



# **Virginia Department of Rail and Public Transportation**

## **Title VI Plan**

**August 1, 2015**

**Updated February 29, 2016**

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# PROGRAM OVERVIEW

## Introduction

The Virginia Department of Rail and Public Transportation (DRPT) is a “primary recipient” of federal transportation funds. As a regulatory condition of receiving these funds, DRPT is required to administer a program that establishes Title VI goals and objectives which pertain to highway and transportation programs. DRPT’s Title VI Compliance Officer is responsible for implementing and monitoring compliance with the Title VI program.

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. However, the broader application of nondiscrimination law may be found in other statutes, regulations, and executive orders. Discrimination based on sex, disability, and age is prohibited as well as inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities whether they are federally funded or not.

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities.

The Title VI Compliance Officer is responsible for initiating and monitoring Title VI activities of all of DRPT’s divisions, all program areas, and oversight of subrecipients. Subrecipients include cities, local governments, or any other entity receiving funds from DRPT.

DRPT is required to protect the public interest by developing a plan for their benefit. In addition, the Title VI plan delineates what DRPT will do to prevent discrimination in federally-funded activities and projects, how it will achieve its objective, and the procedures it will take to monitor Title VI.

Title VI assurances are the foundation of our commitment to nondiscrimination. DRPT monitors its subrecipients for compliance with the principles specifically set forth in the law. DRPT also acknowledges its responsibilities to work toward increased effectiveness regarding Title VI compliance.

## POLICY STATEMENT AND AUTHORITIES

### Title VI Policy Statement

DRPT is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The DRPT Title VI Compliance Officer is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities, as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



July 27, 2015

\_\_\_\_\_  
Director, Department of Rail and Public Transportation

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Secretary of Transportation

March 2, 2016

\_\_\_\_\_  
Date

Signature of Authorizing Officials

### Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally-assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); U.S. Department of Transportation (DOT) regulation, 49 CFR Section 1.51, "Delegations to Federal Transit Administrator" (October 1, 2011); Department of Justice (DOJ) regulation, 28 CFR part 42.401 et seq., "Coordination of Enforcement of

Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. Department of Transportation (DOT) regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to LEP Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

#### **Title VI Nondiscrimination Statement**

DRPT ensures compliance with Title VI of the Civil Act of 1964; 49 CFR Part 21, related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. DOT on the grounds of race, color, sex, or national origin.

#### **Title VI and Other Nondiscrimination Authorities**

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is one of 11 titles included in the Civil Rights Act of 1964. The following is a list of all of the Civil Rights Act titles:

- I. Voting Rights
- II. Public Accommodation
- III. Desegregation of Public Facilities
- IV. Desegregation of Public Education
- V. Commission on Civil Rights
- VI. Nondiscrimination in Federally-Assisted Programs and Activities
- VII. Equal Employment Opportunity
- VIII. Registration and Voting Statistics
- IX. Intervention and Procedure after Removal in Civil Rights Cases
- X. Establishment of Community Relations Service
- XI. Miscellaneous

Title VI “declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.” Any organization that receives federal funds is bound to comply with Title VI.

In addition to the laws listed above, the following must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

- **Executive Order 13166** – LEP (August 11, 2000), a presidential directive to federal agencies to ensure people who have LEP have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with LEP to federally-conducted and federally-assisted programs and activities.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

## **ORGANIZATION AND COMPLIANCE RESPONSIBILITIES**

As a State agency reporting to the Secretary of Transportation, DRPT works closely with the Virginia Department of Transportation (VDOT), which is responsible for highways, as well as other transportation agencies responsible for aviation and ports. Each of DRPT's three primary areas of activity (rail, public transportation, and commuter services) focuses on the movement of people and goods throughout Virginia.

Public Transportation systems help manage traffic congestion and provide transportation choices while safely transporting people to destinations across the Commonwealth. There are approximately 60 public transportation systems in Virginia that range in size from two-bus programs in small towns to larger regional systems like the Washington Metropolitan Area Transit Authority (Metrorail) in Northern Virginia and Hampton Roads Transit in Hampton Roads. DRPT supports approximately 80 human transportation services in Virginia. By advising, supporting and funding public transportation programs statewide, DRPT helps provide safe, reliable transportation options for everyone.

### **Staff Responsibilities**

To ensure the implementation of the Title VI Plan, the following responsibilities have been identified for the Title VI Compliance Officer. An Organizational Chart for key departments within DRPT can be found in Appendix A. DRPT's Title VI Compliance Officer is responsible for ensuring implementation of the agency's Title VI

program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

#### *Title VI Compliance Officer*

The Title VI Compliance Officer oversees the Title VI Program, providing day-to-day guidance and support. The Title VI Program is located in the Office of the Title VI Compliance Officer. The Title VI Compliance Officer, who reports directly to the DRPT Director, is charged with the responsibility for training, implementing, monitoring, investigating and resolving Title VI complaints, ensuring DRPT and its subrecipients are in compliance with Title VI regulations, and reporting on DRPT's compliance with Title VI regulations. Other staff members are expected to provide information and support to assist this staff member perform his or her tasks. In support of this, the Title VI Compliance Officer will:

#### **Oversight of Nondiscrimination Regulations & Procedures**

- Develop and coordinate the implementation of DRPT's Title VI and Nondiscrimination Program
- Process, investigate, and resolve all Title VI complaints in accordance with the Title VI complaint procedure and time limitation
- Coordinate the Title VI and Nondiscrimination Program with all DRPT Divisions and other program area managers or designees, including subrecipients
- Prepare annual reports to FTA of Title VI accomplishments for the year and goals for the next year
- Resolve any deficiencies which may be discovered in DRPT's Title VI/Nondiscrimination Program
- Collect statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of DRPT's subrecipients
- Monitor DRPT procedures and programs for compliance with Title VI requirements in all program areas
- Establish procedures for resolving Title VI problem areas
- Conduct reviews of program areas and subrecipients annually to determine the effectiveness of Title VI programs
- Advice on Title VI matters
- Review DRPT's divisions and subrecipients' procedures and guidelines as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Compliance Officer coordinates with the appropriate actions
- Provide and prepare data, information, and reports as requested by DRPT's Director



- Maintain knowledge of and adhere to DRPT's Title VI and Nondiscrimination Program
- Maintain a list of Interpretation Service Providers
- Review DRPT's divisions and subrecipients procedures for Title VI compliance
- Process Title VI complaints received by DRPT, in accordance with the agency's Nondiscrimination Complaint Procedures
- Make recommendations on corrective action
- Conduct on-site and desk-audit reviews
- Identify deficiencies and remedies in subrecipients Title VI Program
- Coordinate with appropriate federal and state entities to periodically provide DRPT employees with training opportunities regarding nondiscrimination

### **Communications and Public Outreach & Participation**

- Develop Title VI information for dissemination to the public in its education and outreach program, where appropriate
- Coordinate and schedule teleconferences with Rural Transit Providers, Metropolitan Planning Organizations (MPOs) etc.
- Review Public Meeting transcripts for Environment Justice and Title VI issues

### **Education and Training**

- Coordinate and schedule special Title VI Training
- Serve as Title VI Training Coordinator
- Conduct Title VI training and provides technical assistance
- Assist subrecipients (contractors, consultants, suppliers, vendors, universities, colleges, planning agencies, cities, counties and all DRPT's Divisions) in devising and implementing Title VI programs

### ***Questions***

For questions on DRPT's Title VI Plan and procedures, please contact the Title VI Compliance Officer, Mike Mucha, at (804) 786-4440 or by email at [drptpr@drpt.virginia.gov](mailto:drptpr@drpt.virginia.gov). For information on DRPT's work, programs, or publications, please see DRPT's website at [www.drpt.virginia.gov](http://www.drpt.virginia.gov).

### **Annual Review of Title VI Program**

Each year, in preparing for the Annual Report and Updates, the Title VI Compliance Officer will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

#### **Title VI Clauses in Contracts**

In all procurements requiring a written contract, DRPT's contract will include the federal non-discrimination clauses. The Title VI Compliance Officer will work with the Financial Compliance and Procurement Analyst.

TITLE VI NOTICE TO THE PUBLIC Title VI posts the following Notice to the Public on its website at [www.drpt.virginia.gov](http://www.drpt.virginia.gov) and in its office located at 600 E. Main Street, Suite 2102, Richmond, VA 23219 in the following locations: lobby and two conference rooms.

#### **DRPT Title VI Notice to the Public**

DRPT gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Title VI provides that "no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance" (42 U.S.C. Section 200d).

DRPT is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or has been otherwise subjected to discrimination under any program or activity for which DRPT provides assistance. If you feel you are being denied participation in or being denied the benefits of any service for which DRPT provides assistance based upon race, color, national origin or limited English proficiency you have the right to file a formal complaint.

If a complaint addresses a particular service provider, the complaint should be lodged with that provider. A complaint must be submitted within 180 days of the alleged discriminatory act. Complaints may also be filed with the US Federal Transit Administration. If a complaint addresses DRPT, you may file the complaint through email at [drptpr@drpt.virginia.gov](mailto:drptpr@drpt.virginia.gov) , by phone, or in writing.

For complainants who may be unable to file a written complaint, verbal information will be accepted by the Virginia Department of Rail and Public Transportation at 804-786-4440 as well as by the individual service providers.

To submit a formal complaint or to request additional information on Title VI obligations for both DRPT and local Transit Providers contact DRPT as noted below.

Public Information Office  
DRPT  
600 E. Main Street, Suite 2102  
Richmond, VA 23219  
804-786-4440

## LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed **Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency**. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or LEP. For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The following LEP language implementation plan, developed by DRPT is based on FTA guidelines. The guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals.

As required, DRPT developed a written LEP Plan. Using 2010 and American Community Survey (ACS) Census data, DRPT has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.

3. Importance: nature and importance of program/service to people's lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis was used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies are included within the DRPT LEP Plan.

#### **Assessment of Needs and Resources**

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

##### ***Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population***

The agency has reviewed Census data on the number of individuals in its service area that have LEP, as well as the languages they speak.

#### **U.S. Census Data - American Community Survey (2009-2013)**

Data from the U.S. Census Bureau's ACS were obtained through [www.census.gov](http://www.census.gov) for the Commonwealth. Information from the 2009-2013 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

DRPT used this data to determine how best to disseminate information that is accessible to persons with LEP. According to the U.S. Census 2009-2013 ACS, English was the only language spoken by 6,459,826 people, or 85.1% of the population as displayed in Table 1. The LEP four factor analysis shows 425,088 people, or 5.6% of the population, in Virginia speak English less than very well. Based on the relatively low percent statewide, the need to address the LEP population is somewhat limited.

**Table 1 - Virginia's Language Use and English-Speaking Ability for the Population Five Years and Older**

2009-2013 American Community Survey: 5-Year Estimates (Table S1601)

Virginia Total Population (5 years+)	Speak Only English at Home		Speak Non-English at Home		English Ability - Very Well		English Ability - Less Than		Speak Spanish at Home	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
7,590,865	6,459,826	85.1%	1,131,039	14.9%	7,165,777	94.4%	425,088	5.6%	506,648	6.7%

The Spanish speaking classification makes up approximately 7% (6.7%) of the total population, and is, by far, the largest LEP group in Virginia. All DRPT service requests have been for Spanish translation. Therefore, DRPT's focus will be on targeting this community. Language assistance will be made available to other limited English speaking individuals in the community as the need arises.

This exercise revealed that 47 counties and cities (out of 134) have more than 1,000 individuals (or greater than 5%) who speak English "not well" or "not at all". From this group, in sixteen of the jurisdictions, the LEP language group constitutes 5% of the population. Most areas with the five percent concentrations are in urban areas, and ten out of the sixteen are located in the D.C. suburbs. Figure 1 provides a map of Virginia and highlights these counties and cities.

**Factor 2:      *Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System***

DRPT reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through the following channels:

- Public involvement and public engagement meetings/hearings for projects affecting LEP communities or individuals
- Transit subrecipients
- Internet access: DRPT Website must be accessible to LEP persons
- DRPT's phone communications: notices/greetings in languages other than English
- Visits to DRPT's office(s)

We will continue to identify emerging populations as updated Census and ACS data become available for the Commonwealth. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. During the past three-year period, there has been no instance of calls, email, or letters received by DRPT staff in a language other than English.

**Factor 3:      *Assessment of the Nature and Importance of the Transit Services to the LEP Population***

DRPT's main function is to support cooperative, comprehensive, and continuing public transportation planning and services as outlined in federal transportation acts. In doing so, DRPT develops the Six-Year Improvement Program (SYIP), Public Transportation and Transportation Demand Management Grant Program Application Guidance, and as needed other studies. Another key function is oversight of their subrecipients.

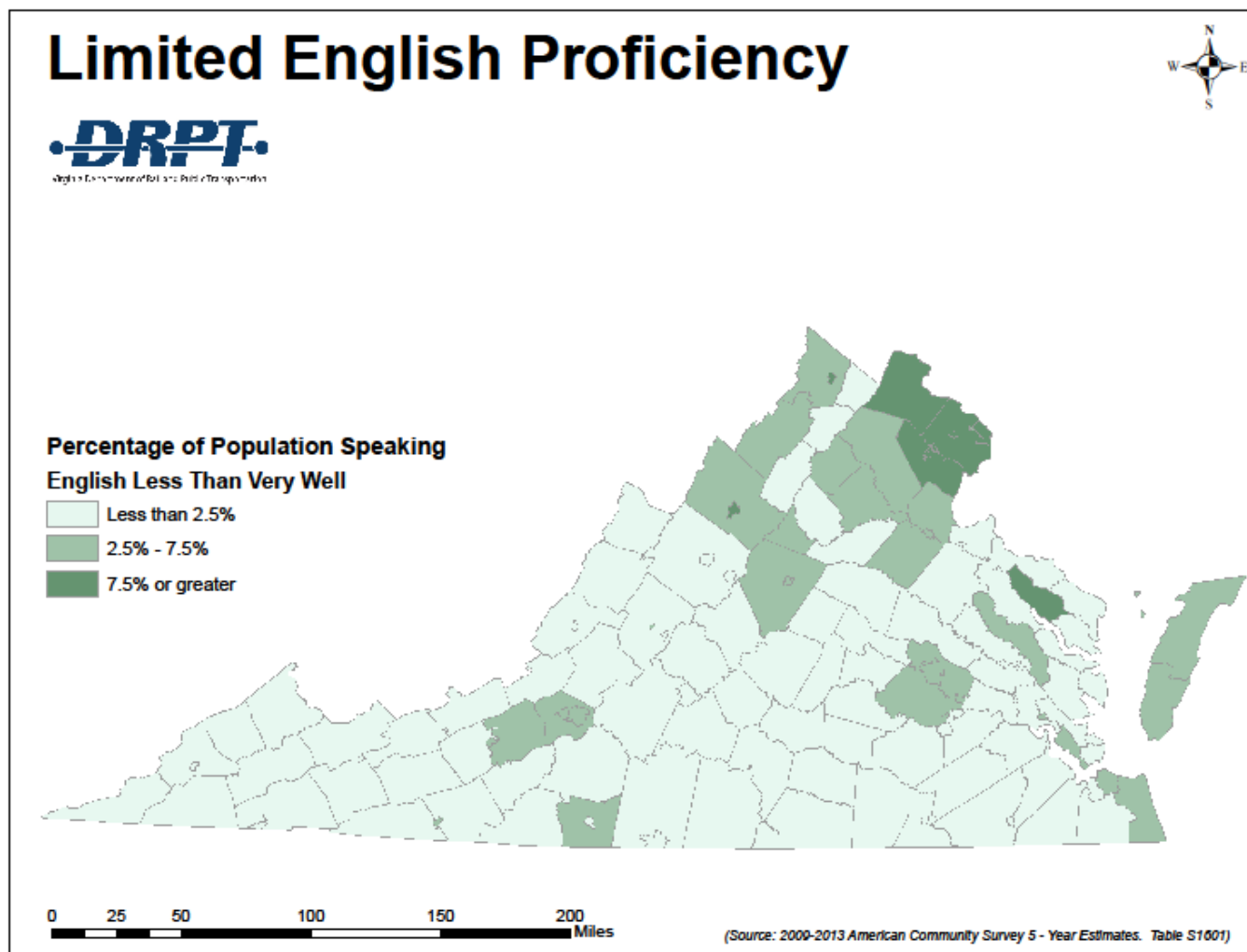


Figure 1 - Virginia LEP: Individuals 5 yrs+ Who Speak English Less Than Well



- The SYIP is a plan that includes funding for public transportation facilities and commuter and public transportation programs intended to be implemented through a combination of State, federal, and local funding.
- The Public Transportation and Transportation Demand Management Grant Program Application Guidance provides application guidance regarding the various state and federal public transportation grant programs administered by DRPT. The document contains two major parts:
  1. An overview of the grant programs administered by DRPT, a description of DRPT's public transportation investment policy, and a calendar describing each step in the grant application process.
  2. A description of each grant program including: eligible recipients and expenses, match ratios, application evaluation criteria, and the application procedure.
- DRPT is required by the FTA to ensure that recipients of FTA assistance comply with federal requirements. To meet this federal mandate, DRPT conducts periodic reviews of its grantees. Additional objectives of the reviews are to ensure compliance with state requirements, encourage progress, and identify training and technical assistance needs.

DRPT's most critical services are those related to funding public transportation, public involvement (public information or planning meetings), and the ability to file complaints. LEP persons, low-income populations, minority populations, the elderly, and the disabled must be considered in these processes. DRPT will continue to assess this area by communicating with community organizations that serve LEP persons, as well as contact with LEP persons themselves.

***Factor 4: Assessment of the Resources Available to the Agency and Costs***

DRPT serves the entire State of Virginia and is required by federal law to provide access to LEP persons, and to ensure that its subrecipients also provide access. Even subrecipients with very limited resources should have an LEP section in their Title VI Plan with the acknowledgment that demographics change yearly and indicate the number of LEP persons may increase within their specific planning area.

Costs must be factored into this balancing test as part of the consideration of "resources available." Reasonable steps may cease to be reasonable when the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. DOJ LEP Guidance. In this case, the needs have been prioritized so that language services are targeted where most needed because of the nature and importance of the activity

involved. However, LEP persons have the right to language assistance at no cost to them in their spoken language.

Language assistance actions include:

- MPO and local subrecipients, with assistance from DRPT, that have their own plans
- Google Translate available on DRPT's website for translation of vital documents
- Translation of vital documents upon request
- Training
- VDOT's language service contractor

#### **LEP Implementation Plan**

Considering DRPT's size and scope, LEP individuals in DRPT's statewide services area, and financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. Options were discussed and considered by DRPT staff and the following recommendations were adopted as measures to provide meaningful access to limited English speaking persons:

- Publish the LEP Plan and vital document materials on DRPT's website in languages other than English as warranted.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.
- With advance notice of seven calendar days, provide interpreter services at any meeting or public hearing. This will include foreign language and hearing impaired interpreter services.
- Place statements in notices and publications that interpreter services are available for meetings, with seven days advance notice.
- Place notices of DRPT's non-discrimination policies and information on the local and federal complaint process on the website in English and other languages via Google Translate and make the notices available at public meetings.
- Translate vital documents in languages other than English according to the safe harbor provision.

- Provide training to DRPT staff on the requirements for providing meaningful access to services for LEP persons.
- Monitor subrecipients to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities.
- Include a LEP policy in the updates of DRPT's Public Participation Plan through, 1) statements and notices that interpreters will be provided, upon prior request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.
- Utilize VDOT's LEP Guidelines and Public Participation Plan in conjunction with DRPT's LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.
- Maintain a list of languages spoken by DRPT staff.

## **PUBLIC OUTREACH AND INVOLVEMENT**

Public outreach and involvement applies to and affects DRPT's mission and work program as a whole. The overall goal of DRPT's public outreach and involvement policy is to secure early and continuous public notification about, and participation in, major actions and decisions by DRPT. In seeking public comment and review, DRPT makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, persons with LEP and organizations representing these and other protected classes. DRPT utilizes a broad range of public outreach information and involvement opportunities, including a process for written comments, public meetings after effective notice, settings for open discussion, information services, and consideration of and response to public comments.

DRPT has set into place procedures for maintaining documentation of Public Outreach and Involvement. DRPT also uses Google Translate on our website to allow access to vital documents and information by that population in which English is not their first language.

### **Public Outreach Activities**

DRPT participates in public hearings with VDOT. To stay in conformance with FTA's regulations regarding Title VI, DRPT will work individually with the media to alert the public on upcoming events which is detailed in DRPT's Inclusive Public Participation Plan. In order to reach the highest number of minority and/or low-

income people when planning public meetings, DRPT and/or its subrecipients shall attempt to hold meetings near bus lines or other modes of public transportation or in neighborhoods identified as having a high percentage of minority/low-income populations. These locations will be given highest priority depending on availability of meeting space and/or cost of facility.

DRPT posts its Title VI notice on press releases, media releases, our website, and notices to the public

### *Demographic Profile*

Data from the US Census was used to develop a demographic profile of the metropolitan planning area and identify the locations and needs of socioeconomic groups, including low-income, disabled, LEP, and minority populations.

DRPT believes that public input into its process is valuable and makes its products better. Transportation planning cannot, and should not, be based simply upon technical analysis. The qualitative information derived from citizen involvement is essential to good decision-making.

As a matter of DRPT policy and a requirement of federal law, the transportation planning process must make special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities. These communities are mapped for the Commonwealth in Figures 2 and 3.

To reach the largest number of minority and low-income communities throughout the Commonwealth, a geographically focused public participation program will achieve the outcomes described in this plan. In addition to traditional methods of communication, DRPT will utilize strategies recommended by community members for a specific neighborhood or population group. By partnering with community groups and local Chambers of Commerce, DRPT can cost-effectively extend its reach and help partner organizations provide information that is of interest to groups they represent.

DRPT will establish and maintain active work relationships with all relevant local media, including minority-based media in order to communicate pertinent information to DRPT subrecipients and the public. DRPT will coordinate with individual institutions and organizations while implementing community-based public involvement strategies to reach out to members in affected minority and/or low income communities. DRPT shall also provide opportunities for public participation through alternative means other than public meetings or written communication; i.e., personal interviews or use of audio or video recording to capture comments and posting that audio/video on DRPT's website.

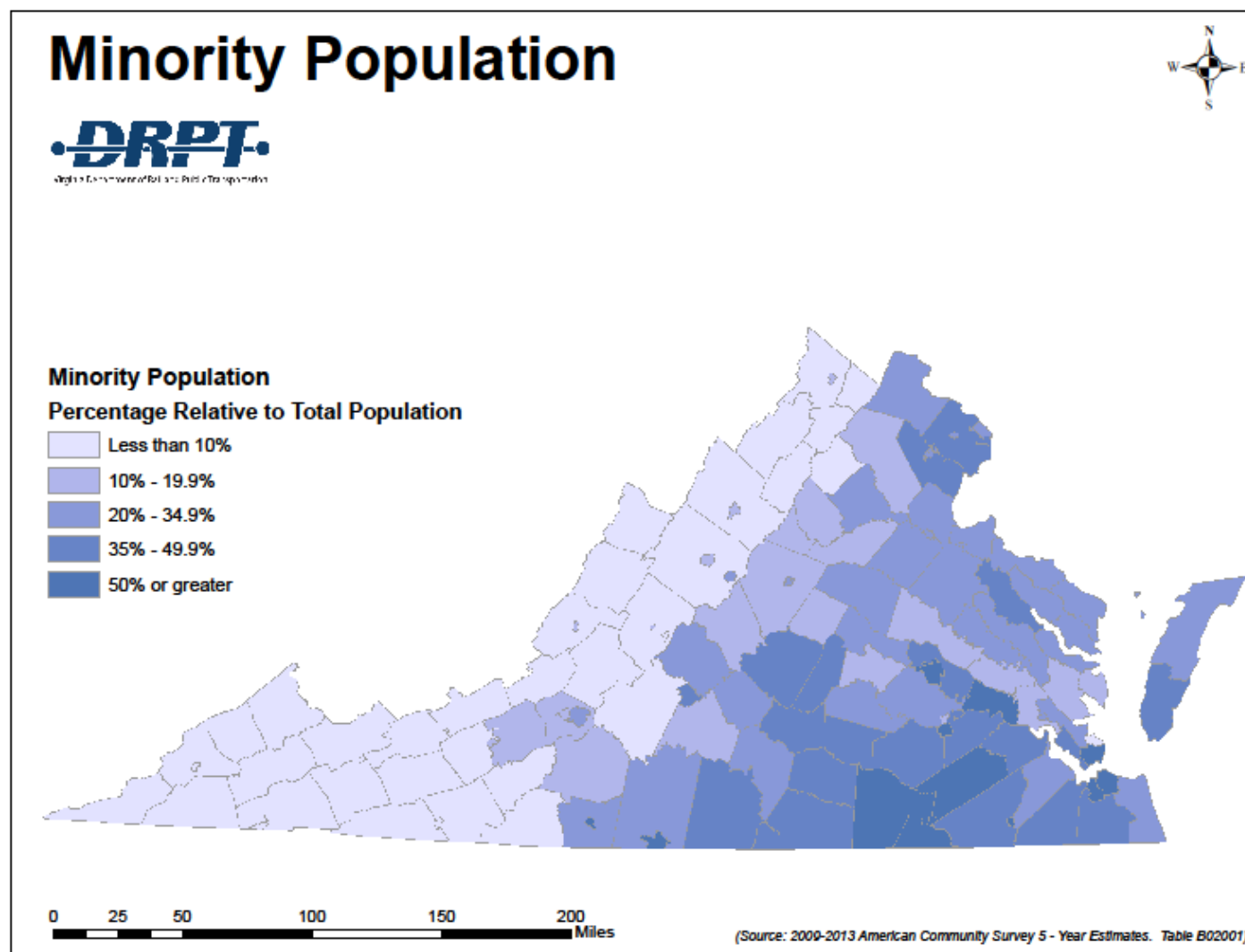


Figure 2 - Percentage of Minority Population for Virginia

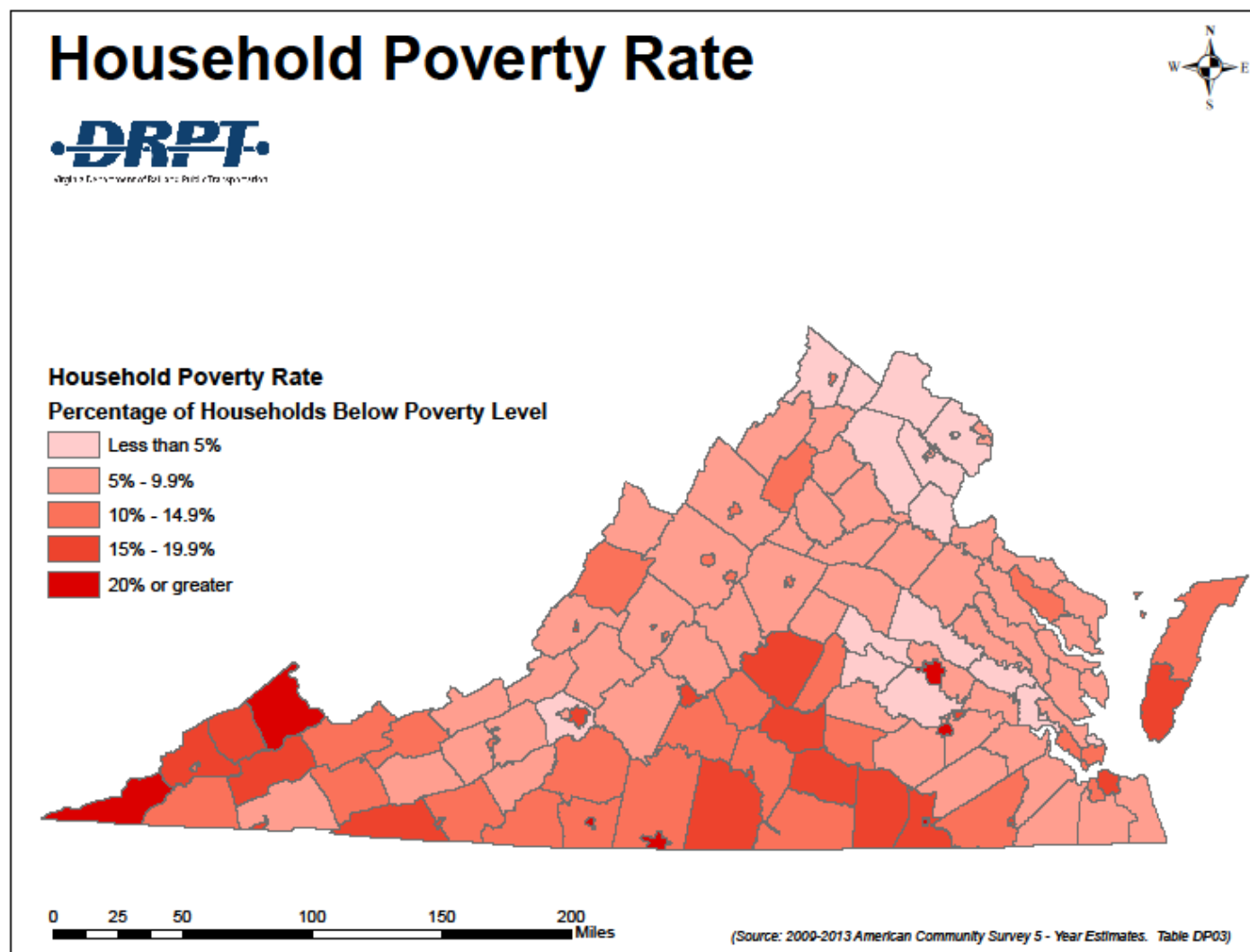


Figure 3 – Percentage Below Poverty Population for Virginia

Subrecipients must put procedures into place to involve minority, low-income, and LEP populations in their public involvement activities. These procedures must be in compliance with FTA regulations. Subrecipients must submit their procedures to DRPT with their Title VI plan. Eligibility for funding through DRPT is contingent on each subrecipient participating in the Federal Title VI program and ensuring that each is in compliance with FTA regulations. DRPT has completed Triennial Reviews of many of its 5311 subrecipients. The Title VI program was a part of these reviews. Appendix C is the section from the Review Workbook. Appendix D is a summary of the reviews with any corrective action taken by the subrecipient for Title VI deficiencies.

DRPT's outreach notifications include:

- Working with community-based organizations, libraries, Division of Motor Vehicle, and other stakeholders to inform LEP individuals of recipients' services, including the availability of language assistance services.
- Providing presentations and/or notices at schools and religious organizations.
- DRPT contacted Chambers of Commerce and Minority Chambers throughout the Commonwealth to explain its Title VI program.

The above activities are the joint responsibility of the Manager of Communications and Title VI Compliance Officer.

## **DRPT TITLE VI PROGRAM**

DRPT ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

- Communications and Public Outreach & Participation
- Planning and Programming
- Environmental Justice
- Consultant Contracts
- Education and Training
- Administration of Federal/State Transit Grants (covered in next section)

In addition to the responsibilities listed in this section, DRPT staff responsibilities may include reviewing Title VI guidelines and procedures for DRPT's Title VI Plan, and incorporating Title VI-related language and provisions into DRPT documents, as appropriate.

## Communications and Public Participation

As described in DRPT's Public Participation Plan, since transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life, DRPT continually endeavors to provide citizens, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process. The DRPT Public Participation Plan includes specific information regarding outreach and communication strategies and detailed Environmental Justice guidelines. Special emphasis is placed on outreach strategies for minority, low-income, and LEP populations.

### *DRPT Actions*

DRPT staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of DRPT's public participation process.

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and DRPT programs to the general public.
- Include the following statement in all of DRPT's public notices:

*DRPT will strive to provide reasonable accommodations and services for persons who require special assistance to participate in this public involvement opportunity. Contact the Title VI Compliance Officer at (804) 786-4440 for more information.*

- Include the following Title VI Statement to the Public in relevant press releases, in public notices, and in published documents.

*The Department of Rail and Public Transportation (DRPT) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on DRPT's nondiscrimination policies and procedures or to file a complaint, please visit the website at [www.drpt.virginia.gov](http://www.drpt.virginia.gov) or contact the Title VI Compliance Officer, Mike Mucha, 600 E. Main Street, Suite 2102, Richmond, VA 23219.*

- Appendix E contains three maps on which transit service is overlaid. These



maps depict percent of minority population by county; percent of population living with limited English proficiency; and percent of county residents earning less than 50% of the county median income.

### **Planning and Programming**

DRPT is responsible for developing and overseeing long- and short-range transportation plans and programs to provide efficient transportation services for the Commonwealth. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. DRPT coordinates with VDOT, cities, counties, and area transit agencies; seeks public participation; and provides technical support when needed. An outreach plan for long-range transportation plan updates is included within the Public Participation Plan.

#### ***DRPT Action***

DRPT staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of DRPT's planning and programming processes.

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the Commonwealth using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Make the document available to the public and member agencies on the DRPT website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

### **Consultant Contracts**

DRPT is responsible for selection, negotiation, and administration of its consultant contracts. DRPT operates under its internal contract procedures and all relevant federal and state laws.

#### ***DRPT Action***

DRPT staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities.

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
  - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
  - If a recipient or subrecipients is found to be not in compliance with nondiscrimination authorities, the Title VI Compliance Officer and relevant staff will work with the recipient or subrecipient to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts.

### **Education and Training**

In an effort to continuously improve DRPT's overall compliance posture, nondiscrimination training will be coordinated with FTA and VDOT, and made available to DRPT staff and subrecipients on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

#### ***DRPT Action***

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to DRPT staff and subrecipients on training programs regarding Title VI and related statutes.
- Tracking staff and subrecipient participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update DRPT's Title VI Plan as necessary.

## **TITLE VI MONITORING AND REVIEW PROCESS**

DRPT is responsible for administering federal and State funds for planning and operation. Subrecipients of these programs include MPOs, Section 5311, Section 5310, Section 5316, and Section 5317 programs. See Appendix J.

DRPT utilizes a staggered monitoring process to accomplish its mission of reviewing and monitoring DRPT's subrecipients for compliance. DRPT evaluates the past performance of each subrecipient's Title VI program and based on the viability of the program, the entity is placed on a three-year review cycle. All findings, recommendations, and progress made in implementing corrective action is documented and maintained in the respective subrecipient's file.

### **Metropolitan Planning Organizations**

Federal law requires all urbanized areas of 50,000 or greater population to maintain a continuing, comprehensive, and cooperative transportation planning process. The organization responsible for this process is called a Metropolitan Planning Organization. The MPO responsibilities are administered by an Executive Board and a Technical Committee. The Executive Board provides policy direction and the membership includes locally-elected officials and the Governor of Virginia. The Technical Committee provides technical expertise and is comprised of professional planners and engineers from local governments and other transportation related agencies.

The MPO Long Range Transportation Plan is a 20-year plan of long- and short-range strategies and actions for an integrated intermodal transportation system to facilitate the efficient movement of people and goods. The MPO Transportation Improvement Program is a four year schedule of all federally-funded and regionally significant transportation projects to be implemented in the urban area. The MPO Unified Planning Work Program is a one-year schedule of all urban transportation planning activities. It documents work to be performed with federal planning funds.

Formal Public Involvement Programs have been adopted in each area as a means of proactively involving the public in transportation planning. The public is invited to review and comment on proposed transportation plans and programs. MPO meetings are open to the public and serve as a regular forum to solicit community transportation concerns.

### ***DRPT Action***

DRPT annually reviews the Title VI activities for the MPOs. The following items are considered in the review and are reported to the FTA in DRPT's annual Title VI update:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the region that includes identification of minority and low-income populations has been developed;
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investment on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority - owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and subcontractors;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process; and
- Any significant accomplishments made during the review period.

#### **Rural Transit Program**

Section 5311 is a rural transportation grant program providing federal funds to DRPT for state administration, planning, technical assistance, capital operating, and project administration assistance in areas with population less than 50,000. The annual federal allocations are based on the non-urbanized population, the number of vehicles, and counties in the service area.

The goal of the program is to provide the following services to communities with populations under 50,000:

- Enhance the access of people in non-urbanized areas to health care, shopping, education, employment, public services, and recreation.
- Assist in the maintenance, development, improvement, and use of public transportation systems in non-urbanized areas.
- Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services.
- Assist in the development and support of intercity bus transportation.
- Provide for the participation of private transportation providers in non-urbanized transportation.

### ***DRPT Action***

Subrecipients are required to certify annually that their Title VI program is in compliance and they have had no complaints. Also, DRPT triennially reviews the Title VI activities for rural transit systems. The following items are considered in the review and are reported to FTA in DRPT's annual Title VI update:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the service area that includes identification of minority and low-income populations has been developed.
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;

- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investment on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and subcontractors;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process; and
- Any significant accomplishments made during the review period.

#### **Non-Profit Transportation Providers**

Elderly and Disabled (Section 5310), Job Access and Reverse Commute (Section 5316), and New Freedom Program (Section 5317) provide grants for non-profit organizations providing transportation services for elderly persons, persons with disabilities, and low income individuals. These programs supplement existing transportation services in urbanized, small urban, and rural areas where such services are insufficient, or inappropriate for these persons. The list of non-profit transportation providers varies annually, depending on applicant submissions.

#### ***DRPT Action***

DRPT annually reviews the Title VI activities of non-profit transportation providers. The following items are considered in the review and are reported to the FTA in DRPT's annual Title VI update.

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the service area that includes identification of minority and low-income populations has been developed.
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investment on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and subcontractors;

- Status of any Title VI complaints received regarding transportation planning or the public involvement process; and
- Any significant accomplishments made during the review period.

## **PROGRAM AREA MONITORING AND REVIEW**

It is the responsibility of DRPT to promote compliance with Title VI of the Civil Rights Act of 1964. The Title VI Compliance Officer conducts Title VI reviews and monitors program areas for compliance.

Each of the following areas will be monitored by the Title VI program for compliance with Title VI requirements (not all inclusive):

- a. Advertisements
- b. Bid proposals
- c. Contracts and subcontracts
- d. Title VI reports, issues, and complaints
- e. Public meeting/transcripts
- f. Title VI contract provisions and other legal documents
- g. DBE Utilization

## **DISCRIMINATION COMPLAINT PROCEDURES - HANDLING, TRACKING, RESOLVING, AND REPORTING INVESTIGATIONS/ COMPLAINTS**

Any individual may exercise his or her right to file a complaint with DRPT if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. DRPT will make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures, as described below. All Title VI complaints and their resolution will be logged as described under "Data collection" and reported annually (in addition to immediately).

DRPT had two Title VI complaints during the past three year period, however, neither of the complainants filled out or returned the Title VI complaint form documentation to DRTP. DRPT's current call log is visible at Appendix F.

Should any Title VI investigations be initiated by FTA, or any Title VI lawsuits be filed against DRPT, the agency will follow these procedures:



# Nondiscrimination Complaint Procedures

## Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by DRPT, as well as to subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Compliance Officer may be utilized for resolution. The Title VI Compliance Officer will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

## *Procedures*

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with DRPT's Title VI Program Compliance Officer. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for DRPT to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.

- f. A complaint form (see Appendix G) will be forwarded to the complainant for him/her to complete, sign, and return to DRPT for processing.
2. Upon receipt of the complaint, the Title VI Compliance Officer will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of DRPT's subrecipients of federal funds, DRPT will assume jurisdiction and will investigate and adjudicate the case. Complaints against DRPT will be referred to FTA or the appropriate Federal Agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, or national origin.
  - c. The allegation(s) must involve a program or activity of a federal-aid recipient, subrecipient, or contractor.
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once DRPT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into DRPT's records identifying its basis and alleged harm.
6. In cases where DRPT assumes the investigation of the complaint, DRPT will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of DRPT written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. DRPT's final investigative report and a copy of the complaint will be forwarded to FTA (or appropriate Federal Agency) and affected parties within 60 calendar days of the acceptance of the complaint.
8. DRPT will notify the parties of its final decision.

9. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of their right file a complaint with FTA.

### **Monitoring Title VI Complaints**

As part of the complaint handling procedure, the Title VI Compliance Officer investigates possible inequities about which the complaint was filed. If inequities are discovered during this review, options for reducing the disparity are explored, and changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Compliance Officer periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to the FTA.

## **DATA COLLECTION AND REPORTING PROCEDURES**

### **Data Collection**

To ensure that Title VI reporting requirements are met, DRPT maintains:

- A log and database of Title VI complaints received. The investigation of and response to each complaint is tracked within the database.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities. The agency maintains the following records related to public outreach and involvement:
  - Files with copies of materials published or distributed for each planning project, as well as all news releases, public service announcements, surveys, and written summaries of in-person outreach events.
  - A log/database of public outreach and involvement activities, including dates, planning project, type of activity, LEP assistance requested/provided, target audience, number of participants, and location of documentation within paper files.

Maintenance of these records is the responsibility of the Title VI Compliance Officer.

## Annual Report and Triennial Updates

### *Annual Reporting*

DRPT submits an annual report to the FTA that documents any Title VI investigations/complaints/lawsuits during the preceding 12 months.

### *Triennial Reporting*

Every three years, DRPT submits to FTA, a complete list of the investigations/complaints/lawsuits received in the prior three years, a summary of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities, and any updates to this Title VI plan.

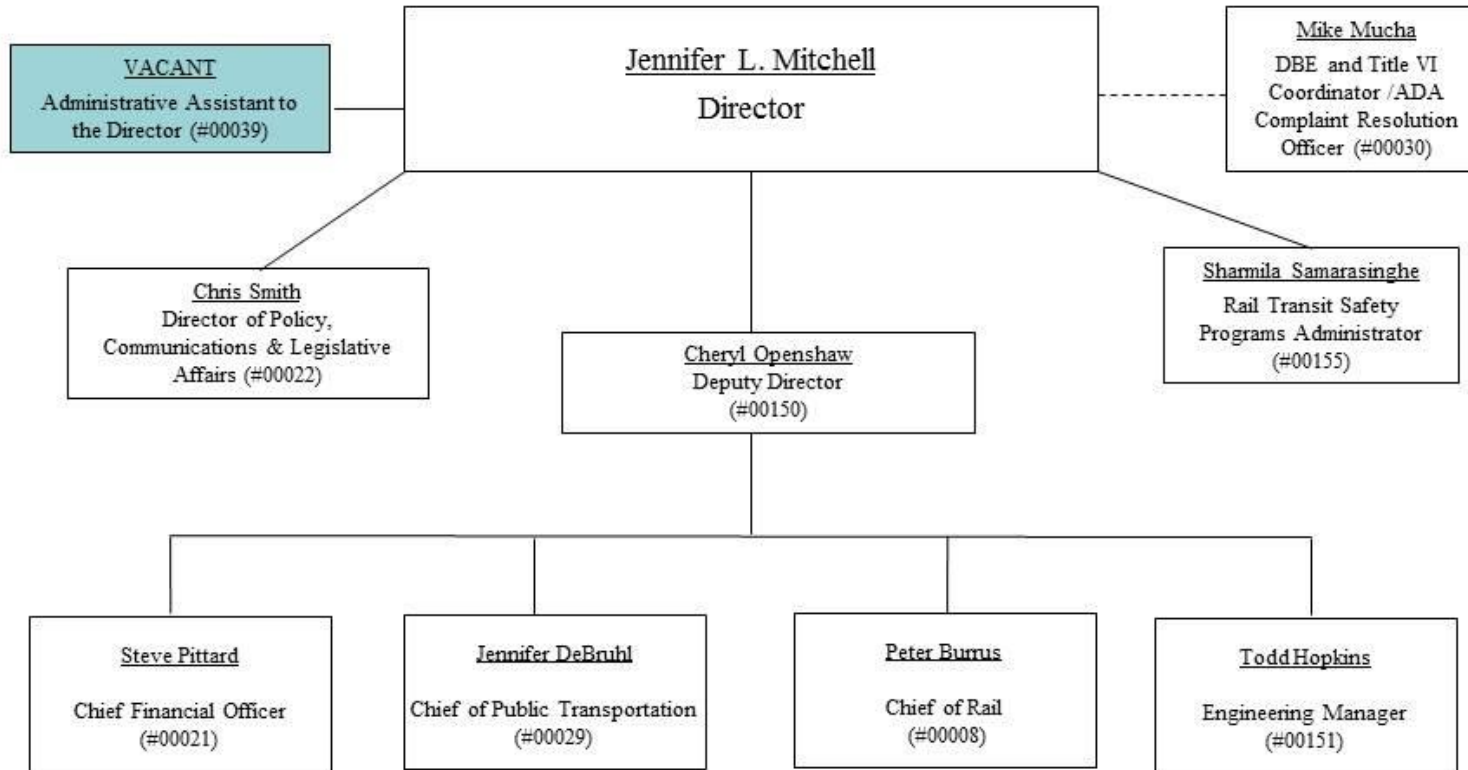
### *Updates to the Title VI Plan*

As noted above, every three years DRPT submits to FTA an update to this Title VI Plan. The triennial Title VI update includes the following items, or a statement to the effect that these items have not been changed since the previous submission, indicating date.

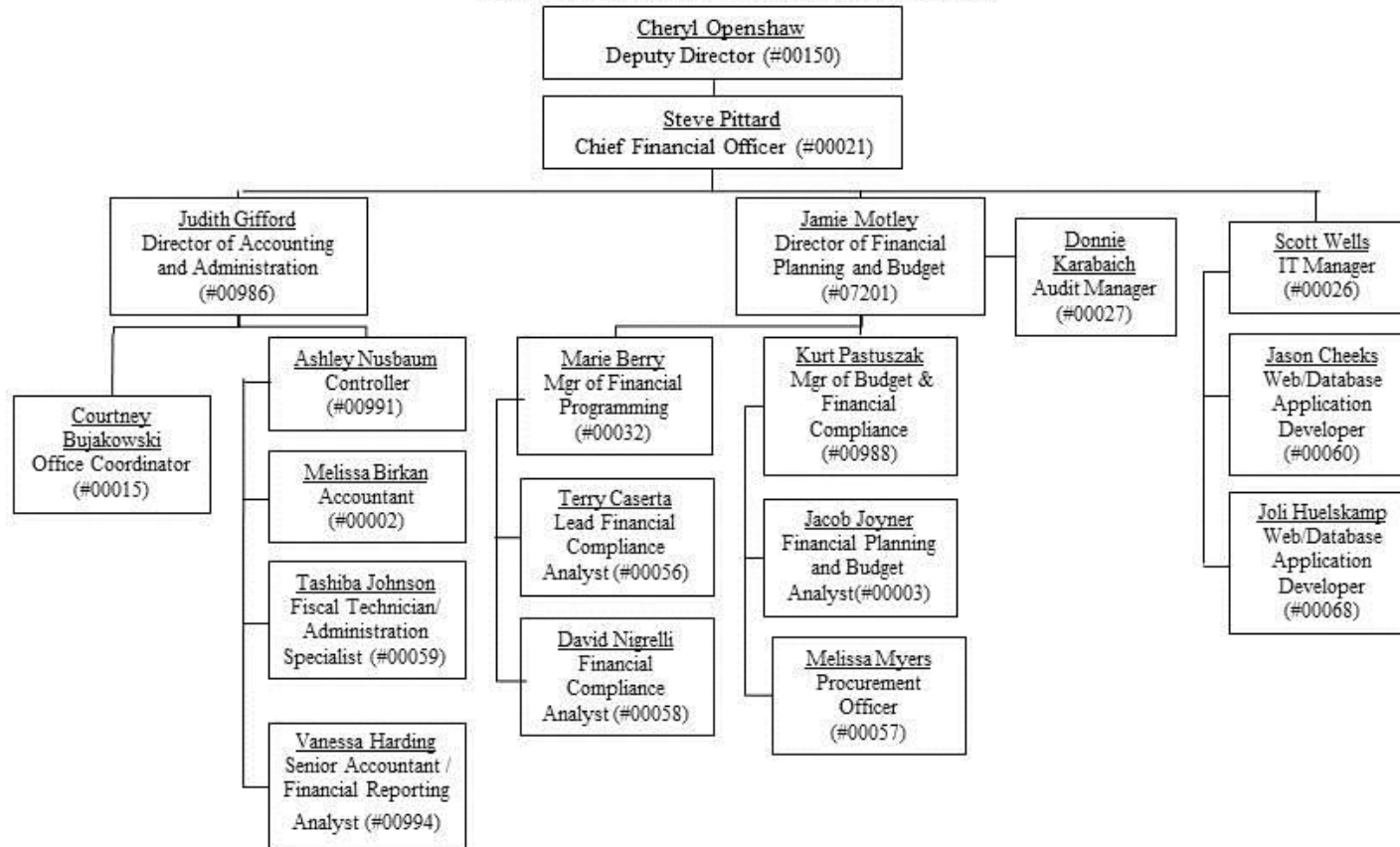
- A copy of any compliance review report for reviews conducted in the previous three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations. Please note that DRPT has not had a civil rights compliance review within the last three year period by an agency other than the Federal Transit Administration.
- DRPT's LEP plan
- DRPT's procedures for tracking and investigating Title VI complaints
- A complete list of Title VI investigations, complaints, or lawsuits filed with DRPT since the last submission
- A copy of DRPT's agency's notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

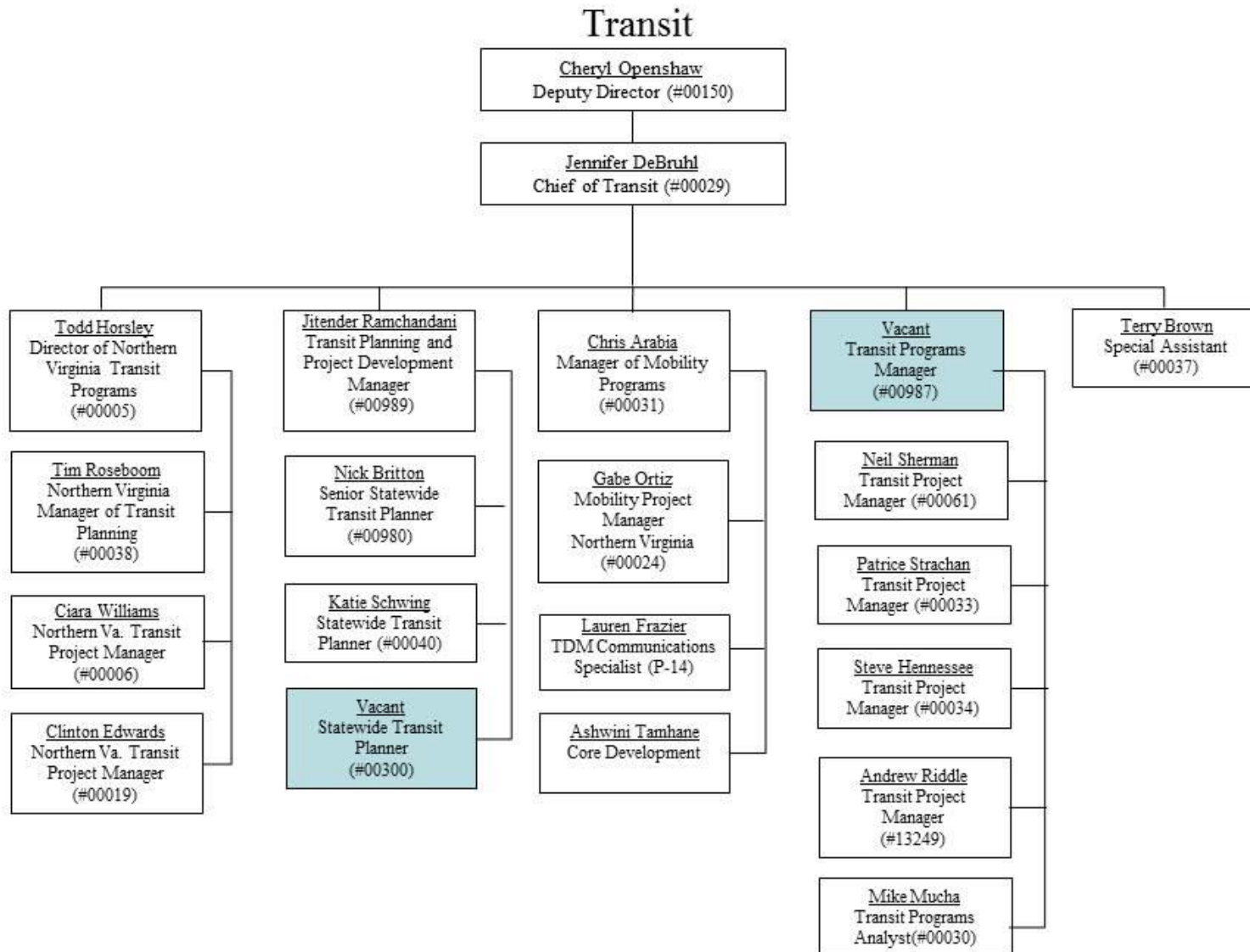
# Appendix A: DRPT Organizational Chart

## Virginia Department of Rail and Public Transportation Organization Chart



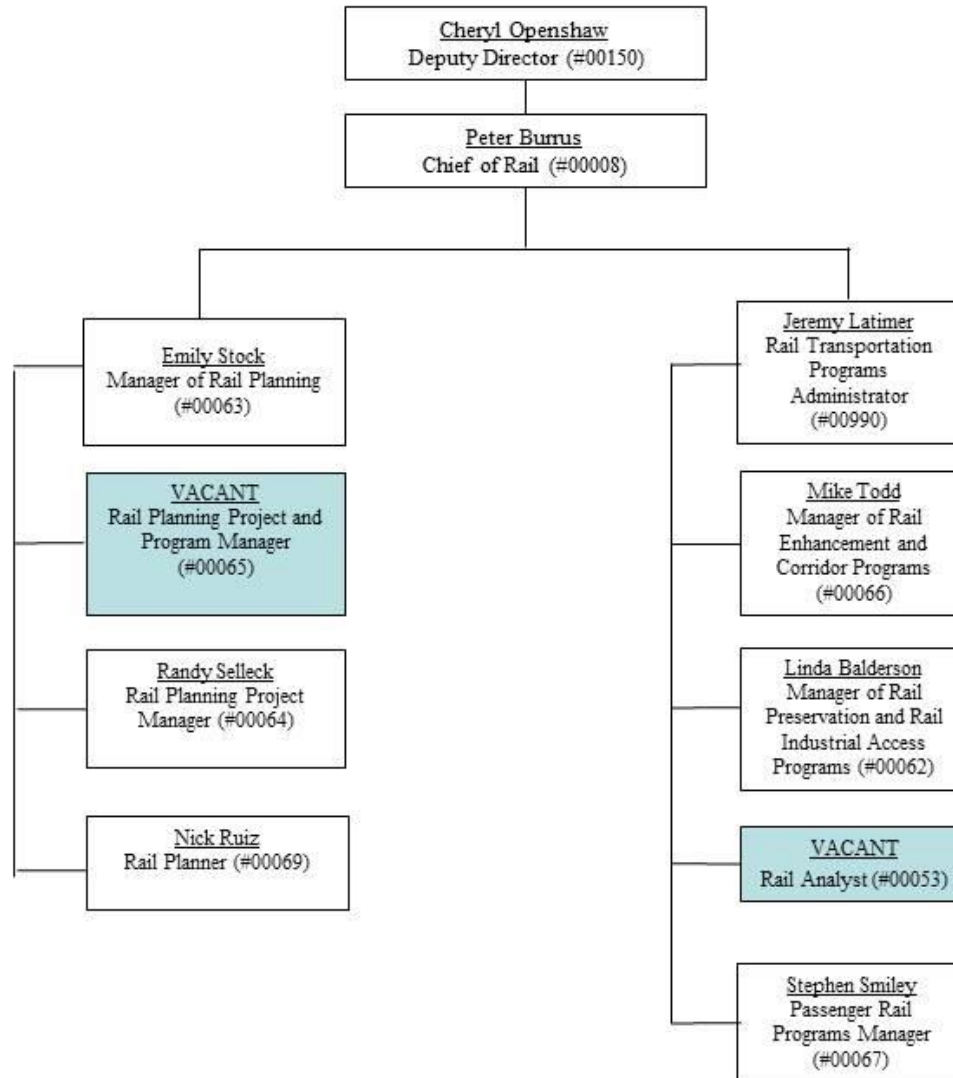
## Finance and Administration



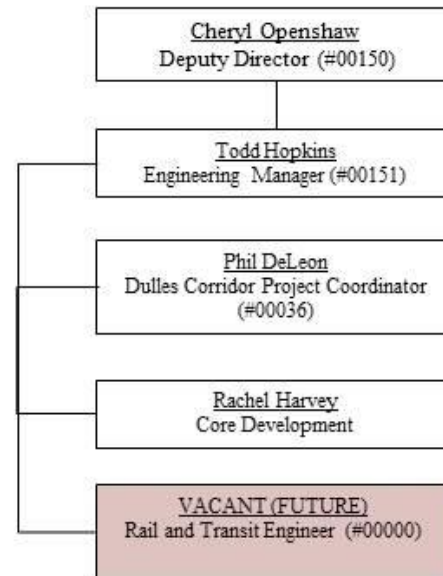




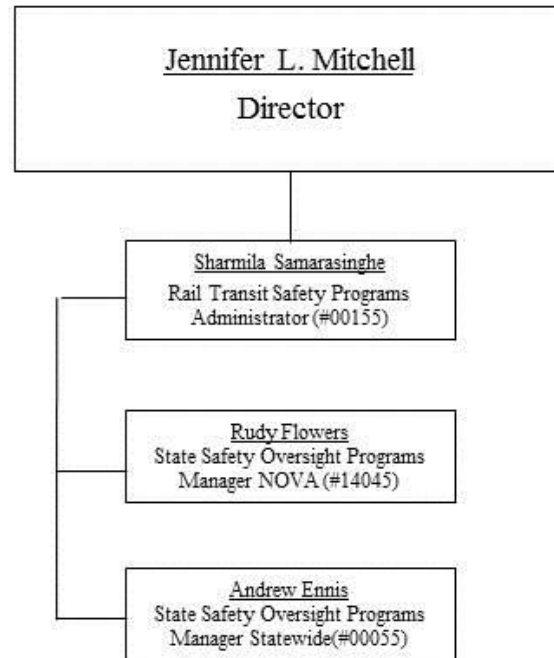
# Rail



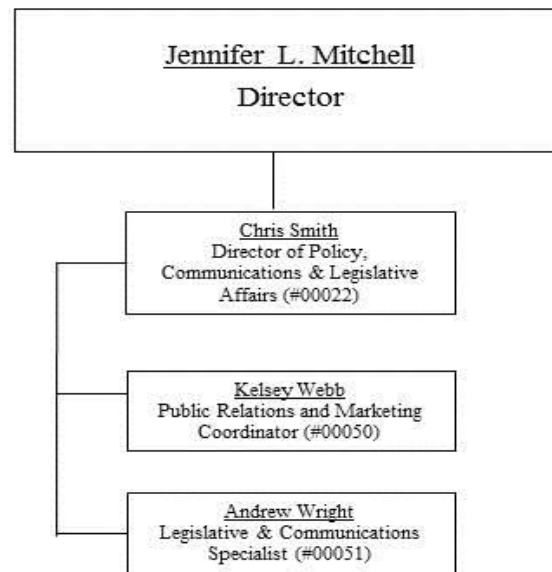
## Engineering & Project Oversight



## Safety



## Policy, Communications & Legislative Affairs



# Appendix B: DRPT PUBLIC PARTICIPATION PLAN

## **Virginia Department of Rail and Public Transportation**

### **Public Participation Plan**

The Department of Rail and Public Transportation (DRPT) works with the media to alert the public on upcoming events. DRPT makes a concerted effort to notify newspapers and other media outlets to ensure the public is aware of upcoming meetings with emphasis on those areas with high minority and low-income populations. DRPT lists meeting dates and times on our website. DRPT publishes translated announcements of public meetings in minority newspapers.

DRPT has included Google Translate on its website ([www.drpt.virginia.gov](http://www.drpt.virginia.gov)) and will also translate vital documents upon request.

#### **Vital Document Translation**

DRPT takes reasonable steps to ensure that LEP persons have meaningful access to written translation of vital documents using pictograms or universal icons when necessary or applicable. Vital documents commonly include information which is critical or required to participate in a benefit from DRPT, which could include:

- Notices advising LEP persons of the availability of free language assistance
- Any document or outreach material that meets the definition of a vital document
- Notices appearing in areas with specific high LEP populations
- Title VI and constituent complaint forms
- Notices of Public Meetings
- Notices of Grant Application dates
- Public Notices
- Brochures
- Media Releases

#### **Public Meetings**

In order to reach the highest number of minority and/or low-income people when planning public meetings, DRPT and/or its subrecipients shall attempt to hold meetings near bus lines or other modes of public transportation or in neighborhoods identified as having a high percentage of minority/low-income population. These locations will be given highest priority depending on availability of meeting space and/or cost of facility.

Our public meetings are held in the spring and fall of each year. SYIP meetings are held in four regions across the state (Northern Virginia, Hampton Roads,

Roanoke, and Southwest Virginia) in the spring of the year. The fall Multimodal Transportation meetings are held in nine regions across the state (Lynchburg, Bristol, Fredericksburg, Hampton Roads, Northern Virginia, Salem, Staunton, Culpeper, and Richmond). The meetings begin at 6:00 p.m. after the regular workday, with the exception of the Northern Virginia meetings which begin at 7:00 p.m. due to the high volume of traffic in the Northern Virginia area. VDOT plans and arranges these meetings for the Transportation Secretariat agencies, including DRPT. These meetings are also advertised by VDOT. However, DRPT ensures that requirements are met to notify and accommodate Title VI populations.

For meetings that DRPT and its subrecipients plan, locations, facilities, and meeting times that are convenient and accessible to minority and low-income communities will be used. As an example, in June 2015 DRPT planned a group of public meetings for the Washington, D.C. to Richmond Southeast High Speed Rail (DC2RVA) project. DRPT choose these locations for accessibility to public transportation which included a Community Center and public meeting spaces. All three meetings were held after work hours allowing a greater number of people to attend. DRPT, in partnership with Virginia Department of Transportation (VDOT), held four environmental public hearings in Northern Virginia in May and June of 2015. Advertisements for these meetings were posted in the Washington Post, Commonwealth Calendar, and Town Hall calendar of events. These meeting locations were again chosen for accessibility to public transportation and help after work hours to allow for more attendance. Where technology exists, DRPT will strive to have meetings recorded and have the audio posted to our website for access by a larger percentage of the population. Also, where technology exists, DRPT can also stream meetings live to provide more widespread access to the public. DRPT will request that fliers announcing these meetings be placed in locations such as DMV field offices, local libraries, and with local citizen groups.

DRPT advertises using the Statewide Classified AdNetwork through the Virginia Press Services, Inc. The list of Newspapers and circulation numbers are attached to this report.

DRPT's goal is to conduct all public participation activities in locations that are fully accessible to public transportation and near minority/low-income communities. To reach the largest number of minority and low-income communities throughout the Commonwealth, a geographically focused public participation program will achieve the outcomes described in this plan. In addition to traditional methods of communication, DRPT will utilize strategies recommended by community members for a specific neighborhood or population group. By partnering with community groups and local chambers of

commerce, DRPT can cost-effectively extend its reach and help partner organizations provide information that is of interest to groups they represent. If needed, DRPT will provide translated text. DRPT will maintain communication with community partners so it is aware of local publication schedules. Although many times cost prohibitive, DRPT will work to translate public hearing announcements into different languages depending on meeting location and census data available for each geographic region in the Commonwealth. With advance notice, DRPT has fulfilled requests to provide translators at public meetings.

Meeting formats will be tailored to achieve specific public participation goals such as sharing information; answering questions; establishing priorities; and reaching a consensus.

### **Communications**

DRPT will establish and maintain active work relationships with all relevant local media, including minority-based media in order to communicate pertinent information to DRPT subrecipients and the public. DRPT will coordinate with individual institutions and organizations while implementing community-based public involvement strategies to reach out to members in affected minority and/or low income communities. DRPT shall also provide opportunities for public participation through alternative means other than public meetings or written communication; i.e., personal interview or use of audio or video recording to capture comments and posting that audio/video on DRPT's website. DRPT shall utilize the following communication tools:

- DRPT website ([www.drpt.virginia.gov](http://www.drpt.virginia.gov))
- DRPT Facebook page
- Regular communications with media
- Focus groups
- Partnerships with community based organizations
- Communication with elected officials
- Press briefings and news releases

DRPT uses the Classified Ad Network of the Virginia Press Service to give public notice for things such as the opening of our grant application cycle. The Classified Ad Network sends our ads to 1-2 newspapers across Virginia. Notice of DRPT's grant application cycle is translated into Spanish each year and run in *El Tiempo Latino* publication.

### **Notices**

Notices will include a statement on how to request translation and interpretive services. DRPT will place notices in minority and low-income communities using



locations such as DMV field offices, local libraries, with local citizen groups, and in areas identified by local citizen groups as being accessed by a high volume of the minority and low-income population.

### **Implementation Plan for Subrecipients**

Subrecipients must put procedures into place to involve minority, low-income, and limited English proficiency populations in its public involvement activities. These procedures must be in compliance with FTA regulations. Subrecipients must submit their procedures to DRPT with their Title VI plan. Eligibility for funding through DRPT is contingent on each subrecipient participating in the Federal Title VI program and ensuring that they are in compliance with FTA regulations.

### **Environmental Justice**

Title VI and Environmental Justice Public involvement must also consider Presidential Executive Order 12898, Environmental Justice. The U.S. Environmental Protection Agency defines Environmental Justice as the “fair treatment of people of all races, cultures and income with respect to development, implementation and enforcement of environmental laws, regulations, programs and policies.” Fair treatment means that no racial, ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal and commercial enterprises or from the execution of federal, state, local, and tribal programs and policies. The guiding Environmental Justice principles followed by DOT and the FTA are summarized:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

DRPT considers these goals of environmental justice throughout its planning and project development as well as through its public outreach and participation efforts.



for first 25 words; \$10 for each additional word

5/15/15

Contact Adriane Long, (804) 521-7585, [adriane1@vpa.net](mailto:adriane1@vpa.net)

Paper	Day	Circ.	Paper	Day	Circ.
Amelia Bulletin Monitor, Amelia	Thursday	10,251	Northern Neck News, Warsaw	Wednesday	4,382
Amherst New Era-Progress	Thursday	2,022	Northern Virginia Daily, Strasburg	Tuesday	10,393
Bedford Bulletin	Wednesday	5,819	Northumberland Echo, Heathsville	Wednesday	1,717
The Bland County Messenger	Wednesday	1,388	Nuevas Raices, Harrisonburg	Wednesday	14,000
Bristol Herald Courier	Sunday	26,166	Orange County Review	Thursday	2,815
Brunswick Times-Gazette, Lawrenceville	Wednesday	1,576	Page News & Courier, Luray	Thursday	6,006
The Caroline Progress, Bowling Green	Thursday	2,678	The Patriot, Pulaski	Friday	3,349
The Carroll News, Hillsville	Wednesday	3,077	The Post, Big Stone Gap	Thursday	1,778
The Central Virginian, Louisa	Thursday	8,228	The Prince George Journal	Thursday	800
The Colonial Voice, Colonial Heights	Friday	10,000	Prince William Today	Friday	29,576
Clinch Valley News, Richlands	Wednesday	1,148	The Progress-Index, Petersburg	Tuesday	11,537
Clinch Valley Times, St. Paul	Thursday	1,500	Radford News Journal	Saturday	1,228
The Coalfield Progress, Norton	Tuesday	4,473	Rappahannock Record, Kilmarnock	Thursday	6,481
The Crewe-Burkeville Journal	Thursday	5,200	Rappahannock Times, Tappahannock	Thursday	5,000
Culpeper Star-Exponent	Wednesday	5,471	The Recorder, Monterey	Thursday	4,200
Daily News-Record, Harrisonburg	Tuesday	25,419	Richlands News-Press	Wednesday	2,359
The Daily Progress, Charlottesville	Wednesday	21,671	Richmond Times-Dispatch	Sunday	145,432
Danville Register & Bee	Friday	15,873	The Roanoke Times	Friday	80,253
The Declaration, Independence	Wednesday	1,718	Rocktown Weekly, Harrisonburg	Thursday	10,500
The Dickenson Star	Wednesday	3,372	Salem Times-Register	Thursday	2,602
The Dinwiddie Monitor	Wednesday	2,076	Scott County Virginia Star, Gate City	Wednesday	6,190
The Enterprise, Stuart	Wednesday	5,700	The Shenandoah Journal, Harrisonburg	Wednesday	9,700
The Farmville Herald	Wednesday	6,445	Shenandoah Valley Herald	Friday	2,518
The Fincastle Herald	Wednesday	4,469	The Shenandoah Valley Hit	Friday	2,100
The Floyd Press	Thursday	3,906	The Smithfield Times	Wednesday	5,502
Fluvanna Review, Palmyra	Thursday	5,907	Smyth Co. News & Messenger, Marion	Wednesday	3,327
The Free Lance-Star, Fredericksburg	Tuesday	39,598	South Hill Enterprise	Wednesday	5,749
The Free Press, Woodstock	Thursday	2,711	The Southside Messenger, Keysville	Thursday	2,991
The Gazette, Galax	Friday	6,966	Southside Sentinel, Urbanna	Thursday	4,394
Gazette-Virginian, South Boston	Wednesday	10,048	The Southwest Times, Pulaski	Tuesday	4,935
Greene County Record, Stanardsville	Thursday	739	Stafford County Sun	Friday	20,143
Herald-Progress, Ashland	Thursday	3,418	Suffolk News-Herald	Tuesday	11,013
The Hopewell News	Friday	7,096	Sussex-Surry Dispatch, Wakefield	Wednesday	1,868
Independent-Messenger, Emporia	Wed. & Sun.	4,106	Tazewell County Free Press	Wednesday	13,500
The Lebanon News	Wednesday	4,724	Tidewater News, Franklin	Wednesday	4,101
The Legacy, Richmond	Wednesday	25,000	The Valley Banner, Elkton	Thursday	2,638
Madison County Eagle	Thursday	2,005	The Vinton Messenger	Thursday	946
Martinsville Bulletin	Tuesday	14,659	The Virginia Mountaineer, Grundy	Thursday	7,298
The Mecklenburg Sun	Wednesday	6,521	The Virginian-Pilot, Norfolk	Monday	154,309
The Metro Herald, Alexandria	Thursday	5,000	Virginian Leader, Pearisburg	Wednesday	5,110
Nelson County Times, Lovingston	Thursday	2,006	Virginian Review, Covington	Wednesday	6,623
The New Castle Record	Wednesday	1,191	The Warren Sentinel, Front Royal	Thursday	3,094
The News & Advance, Lynchburg	Tuesday	29,510	Washington County News, Abingdon	Wednesday	1,257
The News & Record, South Boston	Thursday	4,791	The Washington Times	Sunday	38,544
The News-Gazette, Lexington	Wednesday	6,874	Westmoreland News, Montross	Wednesday	5,539
The News Leader, Staunton	Wednesday	15,605	The Winchester Star	Thursday	21,752
The News-Messenger, Christiansburg	Saturday	2,840	Wytheville Enterprise	Tuesday	4,305
The News-Patriot, Colonial Heights	Friday	5,000	Yorktown Crier/Poquoson Post	Thursday	803
The News-Progress, Chase City	Wednesday	2,494			
The News Virginian, Waynesboro	Sunday	5,298			
The North Fork Journal, Harrisonburg	Wednesday	12,450			
			<b>TOTAL CIRCULATION</b>	<b>1,100,860</b>	
			<b>TOTAL NEWSPAPERS</b>	<b>102</b>	

# Appendix C: DRPT TITLE VI SECTION OF TRIENNIAL REVIEW WORKBOOK

**TITLE VI--NONDISCRIMINATION IN THE DELIVERY OF SERVICE**

FTA and DRPT prohibit discrimination on the grounds of race, color, or national origin, in the delivery of public transit services. FTA also prohibits discrimination on the grounds of low-income status. Title VI complaints must be reported to DRPT within 24 hours of receipt of the complaint.

QUESTION	RESPONSE	OBSERVATION
26. Who is responsible for Title VI Program – for ensuring that transit services are operated without discrimination on the basis of race, color or national origin?		
27. Describe the mechanisms you use to analyze whether services and benefits are distributed in a non-discriminatory manner.		
<ul style="list-style-type: none"><li>• How are buses assigned to routes? Does the process ensure that assignments are made without regard to race, color, national origin, or income?</li></ul>		
<ul style="list-style-type: none"><li>• Please describe the location of transit services, facilities, and amenities such as shelters. Have you ensured that decisions on the location of transit services and facilities are made without regard to race, color, national origin, or income?</li></ul>		

<ul style="list-style-type: none"> <li>• When considering changes in service or fare increases, have you ensured that Title VI was taken into consideration? How do you determine that changes in services and fare increases do not have a disproportionately high negative impact on low income or minority populations?</li> </ul>		
28. How are individuals provided opportunities to participate in the transit planning and decision-making processes without regard to race, color, national origin, or income?		
<ul style="list-style-type: none"> <li>• Have representatives of these groups expressed a need for transportation improvements? If yes, please describe.</li> </ul>		
29. What outreach efforts were undertaken to identify minority groups and low income persons? How have you sought out and considered their viewpoints in the course of conducting public outreach and involvement activities?		

30. Do public information materials such as schedules, brochures, and your agency's website notify beneficiaries of:		
• Protection under Title VI?		
• How to obtain additional information on nondiscrimination obligations?		
• How to file a complaint? <i>REQUIREMENT– Grantees must notify the public of its protections under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. The notification may not be limited to a notice on the Grantee's website.</i>		
31. Do you have procedures for investigating, tracking, and documenting Title VI complaints? If yes, please describe. <i>Grantees must have a written procedures for tracking Title VI complaints.</i>		
32. Have any complaints concerning discrimination in the delivery of service been received since the last review or last grant application? If yes:		

<ul style="list-style-type: none"> <li>How were the complaints identified and resolved?</li> </ul>		
<ul style="list-style-type: none"> <li>Did you report the complaints to DRPT?</li> </ul>		
<ul style="list-style-type: none"> <li>Did you maintain a record of the complaints that includes:</li> </ul>		
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>The date of the complaint was filed?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>A summary of the allegations?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>The status of the investigation?</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>The actions taken in response to the complaint?</li> </ul> </li> </ul>		
<p>33. Have you assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?</p> <p><i>REQUIREMENT– Grantees must assess and address the ability of persons with limited English proficiency (LEP) to use transit services.</i></p>		
<p>34. What products and/or services do you offer to Limited English Proficiency persons?</p>		
<p>35. Are schedules and other public information provided in languages other than English? If yes, what languages are provided?</p>		

36. Has your staff been trained on the requirements of Title VI? Is the training provided periodically?		
37. Do the answers to the above questions indicate any disparate impacts or treatment on the basis of race, color, national origin, or income?		



# Appendix D: DRPT SUMMARY OF SUBRECIPIENT TRIENNIAL REVIEW FINDINGS

Triennial Reviews  
Title VI Component

<b>Date Conducted</b>	<b>Grantee</b>	<b>Title VI Findings</b>	<b>Corrective Action Taken</b>
8/27/2014	Town of Altavista	None	
8/7/2014	Bay Transit	Title VI statement is not included on Bay Transit's brochures and schedules.	Brochures and schedules have been updated
11/20/2014	Town of Bluefield /Graham Transit /	Graham Transit does not state on its brochure or website that its service deviates on request. Title VI statement is not included on Graham Transit's brochure.	Graham Transit brochure has Title VI statement and the brochure and website does state that its service deviates on request.
10/15/2014	Greene County Transit	None	
10/16/2014	Lake Country Area Agency on Aging	None	
11/10/2014	Mountain Empire Older Citizens (MEOC)	No Title VI statement on the MEOC brochure or displayed in vehicles.	Title VI statement now displayed on MECO brochures and vehicles
9/19/2014	Central Virginia Alliance for Community Living (CVAAA)	The Section 5310 vehicles that were boarded did not have a posted Title VI statement.	Title VI statement now posted on Section 5310 vehicles
9/14-15/2010	Chesterfield Community Services Board (CSB)	. The CSB does not currently have a process for notifying beneficiaries of their Title VI rights. This information needs to be included on the CSB's website, vehicles, and other pertinent brochures.	The CSB has Title VI information on website, vehicles and pertinent brochures
10/8/2014	Rappahannock Area Agency on Aging	None	
11/5/2014	Rappahannock Rapidan Community Services Board	None	

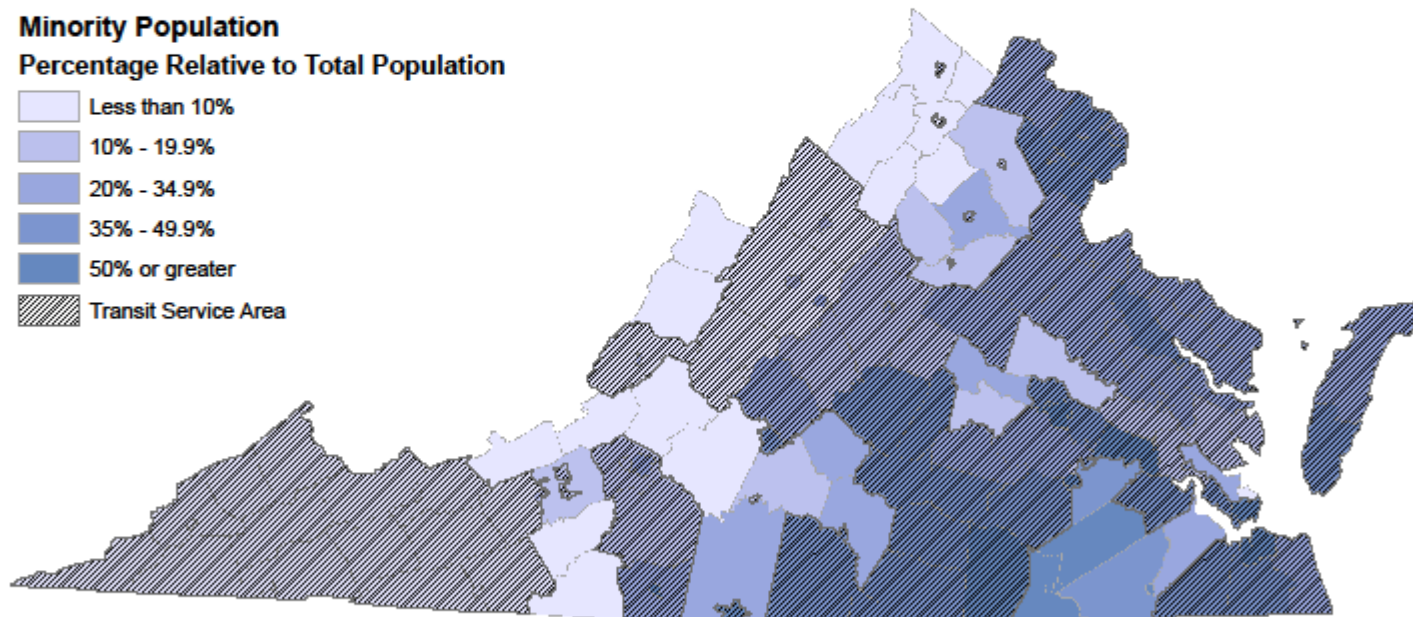
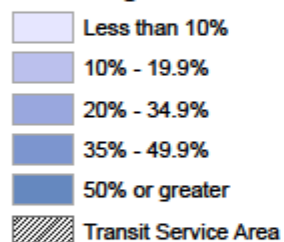
Appendix E:  
DRPT Maps – Percent of  
Minority Population, Percent  
LEP, and Percent Low  
Income – with Transit  
Service by County

# Minority Population with Transit Service Area Overlay



## Minority Population

Percentage Relative to Total Population



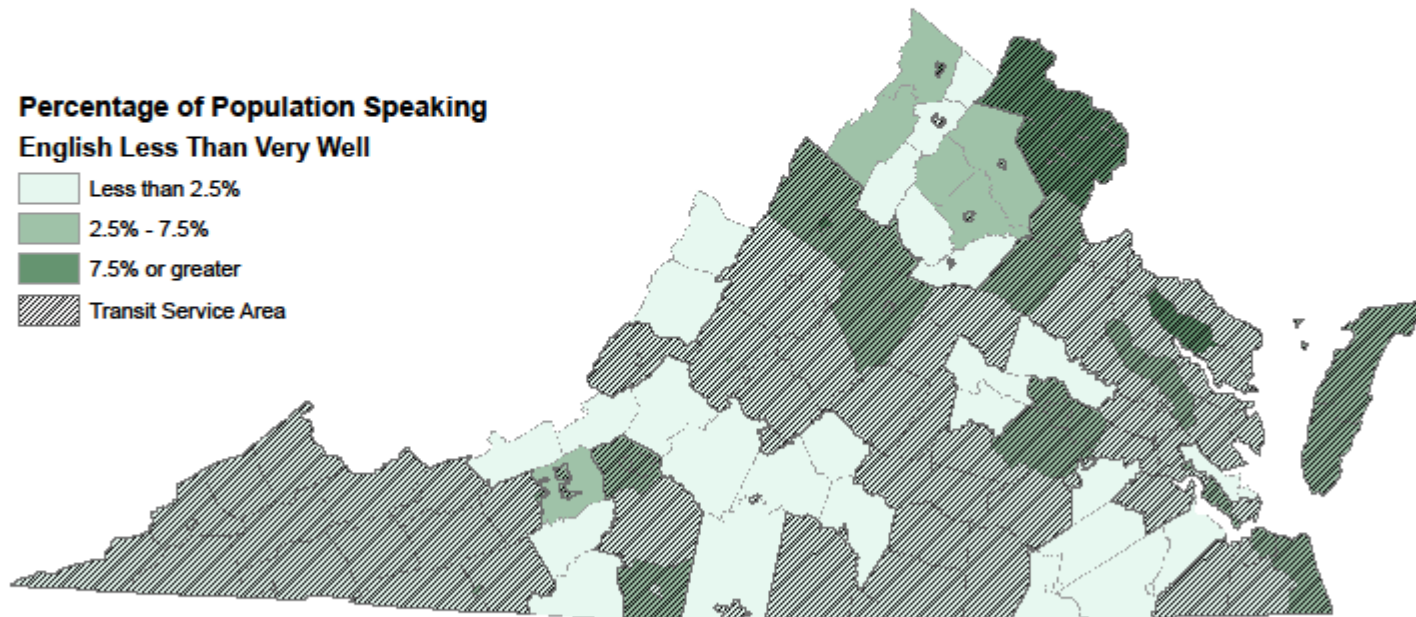
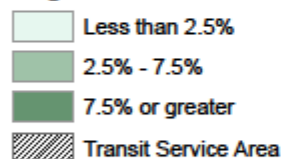
0 25 50 100 150 200 Miles

(Source: 2009-2013 American Community Survey 5 - Year Estimates, Table B02001)

# Limited English Proficiency with Transit Service Area Overlay



## Percentage of Population Speaking English Less Than Very Well



0 25 50 100 150 200 Miles

(Source: 2009-2013 American Community Survey 5 - Year Estimates, Table S1601)

# Household Poverty Rate with Transit Service Area Overlay

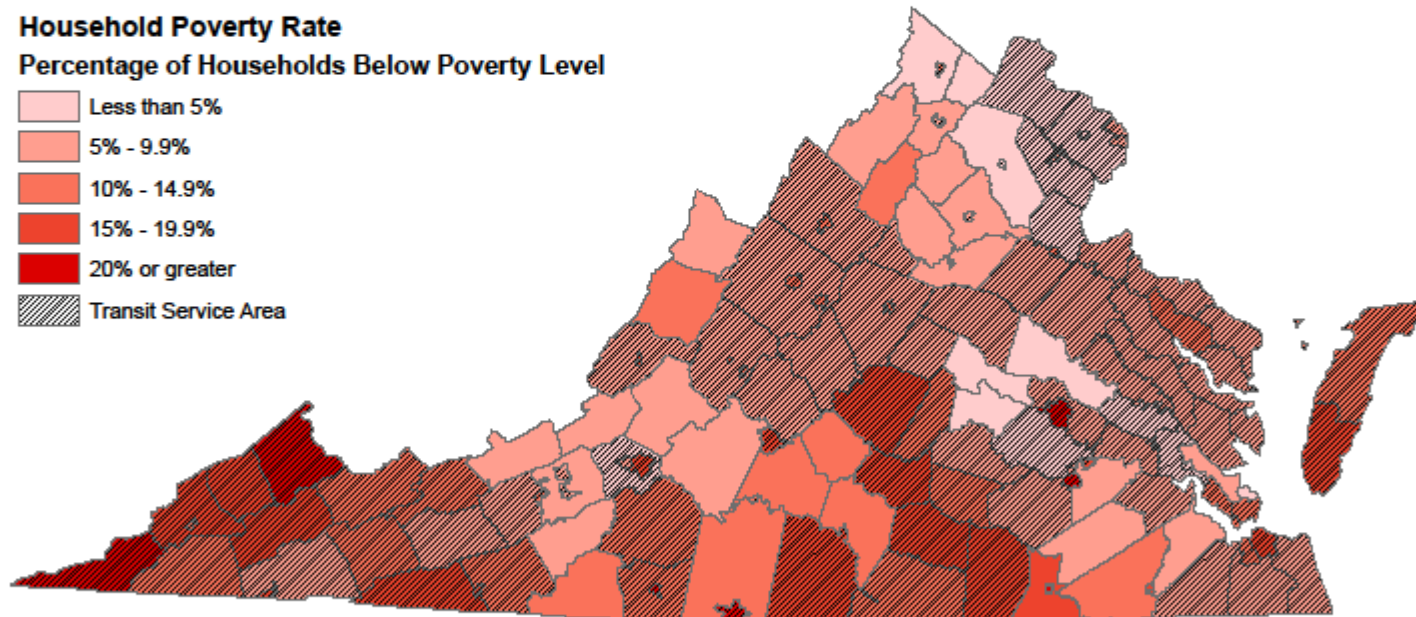
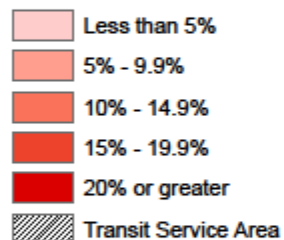


Virginia Department of Rail and Public Transportation



## Household Poverty Rate

Percentage of Households Below Poverty Level



0 25 50 100 150 200 Miles

(Source: 2009-2013 American Community Survey 5 - Year Estimates, Table DP03)

# Household Poverty Rate with Distribution of Funds

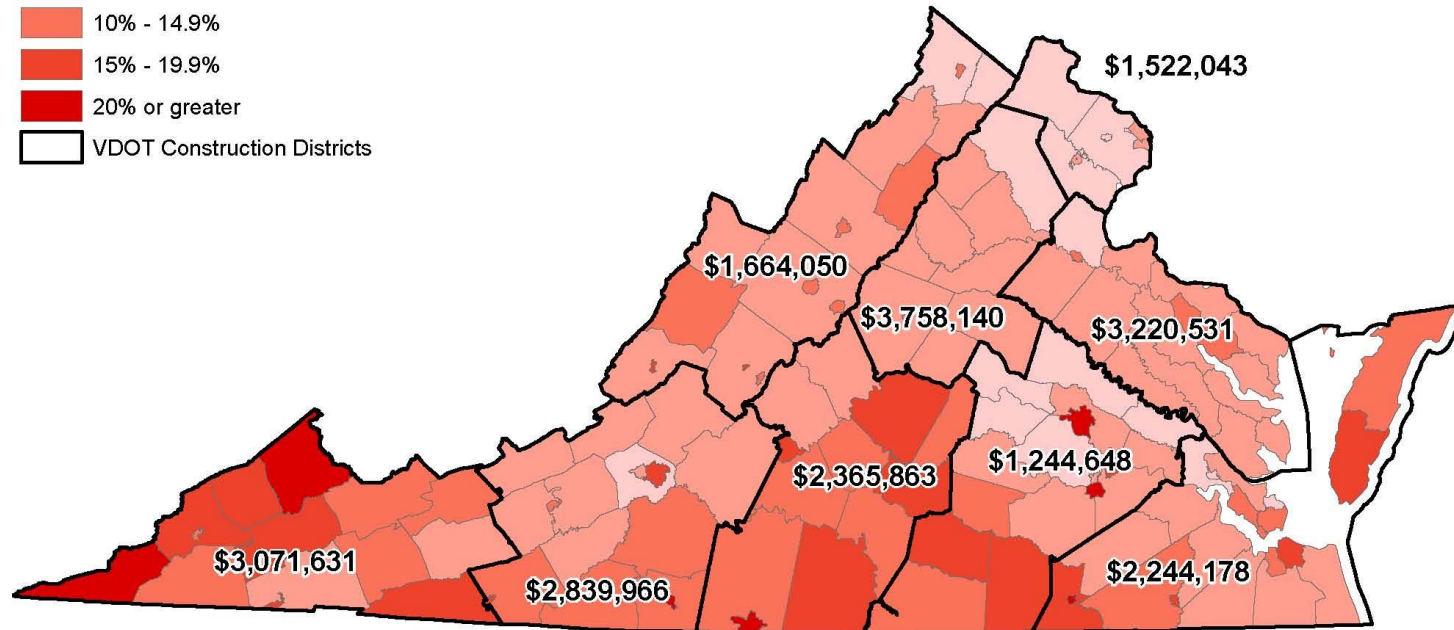
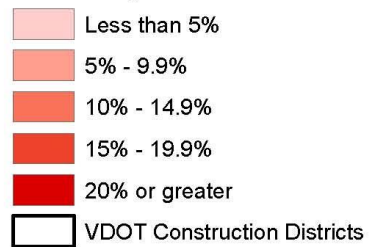


Virginia Department of Rail and Public Transportation



## Household Poverty Rate

### Percentage of Households Below Poverty Level



Values are FY 2015 allocations.

(Source: 2009-2013 American Community Survey 5 - Year Estimates. Table DP03)

# Minority Population with Distribution of Funds

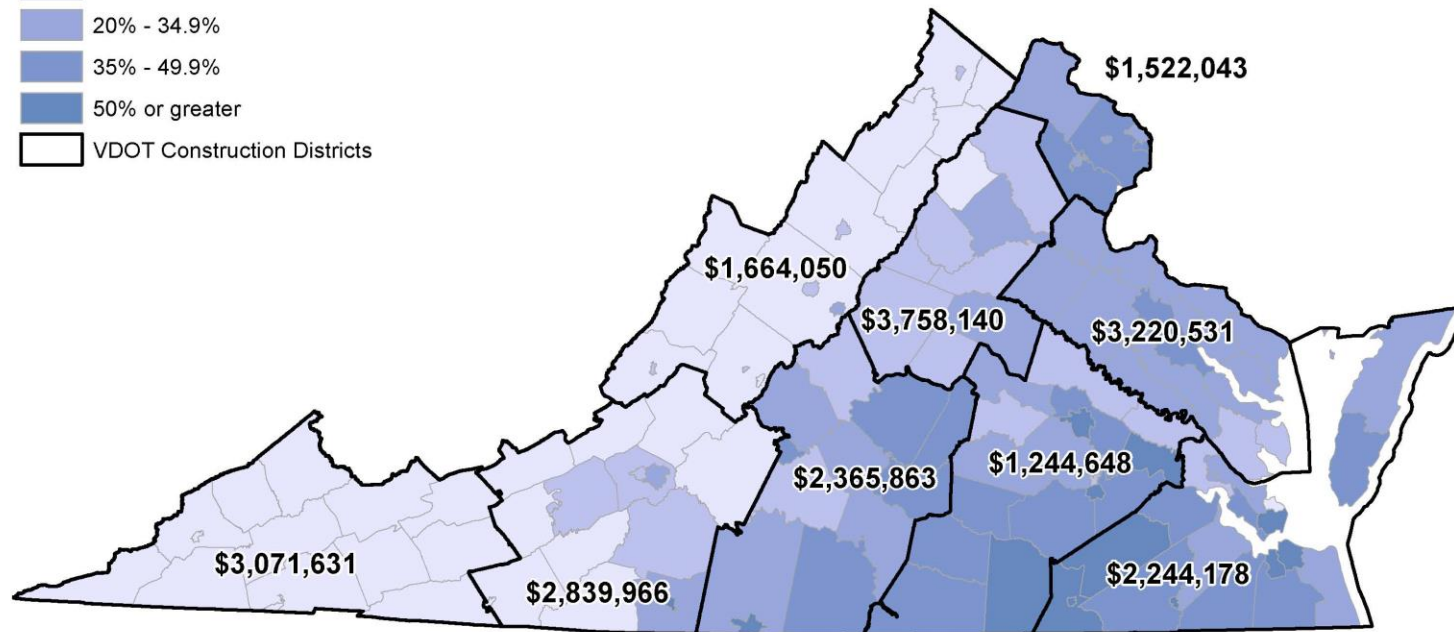
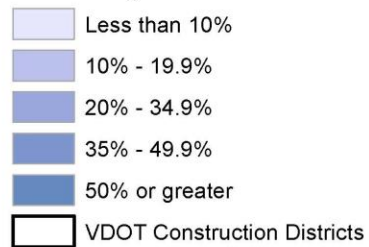


Virginia Department of Rail and Public Transportation



## Minority Population

### Percentage Relative to Total Population



Values are FY 2015 allocations.

(Source: 2009-2013 American Community Survey 5 - Year Estimates. Table B02001)



# Appendix F: DRPT CALL AND COMPLAINT LOG

## DRPT CALL AND COMPLAINT LOG

2013

DATE / TIME	NAME & CONTACT INFO	COMPLAINT SUMMARY	ACTION TAKEN	STATUS	DBE	TITLE VI
12/28/12	Ms. Shirley Turner Chesapeake 757-331-0687 (cell) 757-787-8322 (home)	Ms. Turner called to complain about STAR Transit's scheduling. She complained about the route schedules as well as returning to pick up customers who have missed their ride (demand transportation). She indicated that STAR will return for certain customer but not others. She said they discriminate because she is a democrat and they are republican. She said the dispatcher is rude to her and the bus driver on her route is also rude (Chesapeake Square Route). I took her name and number and told her I would talk to our Grant Manager (Steve Hennessee) and STAR and find out what their policies	1/3/13 – emailed Steve Hennessee (he was traveling) and he indicated he would contact STAR / VRT about the complaint and would get back to me.  1/4/13 Mr. Darrel Feasel of VRT (STAR's operator) provided the below response: <a href="#">Steve, I spoke to our Dispatcher, Bill Moore this morning about this issue. STAR Transit has no</a>	1/4/13 I called Ms. Turner to relay the information from Mr. Feasel. Ms. Turner was very irate, said they are all thieves and liars at STAR. She refuses a call from Mr. Feasel to attempt to work out a solution to her problem. She didn't want to listen to any explanation of what STAR's route policy is and hung up on	NO	NO

		are.	record of Ms. Shirley Turner calling the Star Transit office with a compliant, in fact her name was not at all familiar with the Dispatcher, which is strange since he schedules all demand trips for STAR Transit and works Monday through Friday, so she should have been familiar to him if she was a frequently rider. In regards to the Ms. Turner missing the bus at the mall, unfortunately if the passenger is not at the bus stop at the schedule route time than the bus will leave to ensure that it keeps on schedule, the bus does not have time in the deviated fixed route schedule to return back to a stop if someone was not at the bus stop at the	me.		
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			<p>scheduled time. We are working very hard to keep the buses on schedule, since that was a complaint we heard over and over again from passengers that prior to VRT taking over management that the buses were constantly late and passengers never knew when the buses would show up. One of the other issues we are trying to solve is that we need to have designated bus stop signs along Route 13 to reduce the number of flag stops along this busy highway, we are in the process of purchasing bus stop signs and will begin the long process of dealing with VDOT and the counties to have them installed. I would be happy to speak to Ms. Turner</p>			
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			<p>to discuss her issues and see if we can provide her with some assistance.</p> <p>My Question to you is -- Does STAR provide demand transportation? Yes, STAR Transit provides Demand Response service in a very small area of Accomack County through a FTA Section 5317 New Freedom Grant. This service is primarily for ADA riders but is open to all passengers on a space available basis. What is their policy regarding scheduling rides? (The day before) Normally, passengers call in and schedule a trip the day before but STAR allows folks to call in at 6 AM for same day service, when the schedule is open and permits additional passengers (Service operates 8 AM – 5 PM Monday –</p>			
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			<p>Friday) Currently this service is handling more calls than it can handle, especially during the school year when the Eastern Shore Community College is in session. Can you check on this and let me know. Also, is it their policy to return to a location already visited to pick up someone who is either late for one ride, or early for a later ride? No, the passenger must schedule a separate pickup and return trip. The bus will normally wait a few minutes for the passenger to show up, but must leave to ensure that other passengers on the schedule are picked up, this is considered a no show or missed trip. The bus does not go back and try to pick up the passenger later, unless the passenger has called in to the dispatcher and makes arrangements</p>			
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			<p>for another pickup. Normally, a passenger who knows they are not going to be ready to be picked up will call the Dispatcher and make arrangement for a later pickup, however this can cause havoc for a one bus demand response service, so the Dispatcher does the best that he can under the circumstances.</p> <p>I hope this answers your concerns.</p> <p><b><i>Darrel M. Feasel,</i></b> <b><i>CTPA</i></b></p>			

**DRPT CALL AND COMPLAINT LOG**  
**2013**

<b>DATE/ TIME</b>	<b>NAME &amp; CONTACT INFO</b>	<b>COMPLAINT SUMMARY</b>	<b>ACTION TAKEN</b>	<b>STATUS</b>	<b>DBE</b>	<b>TITLE VI</b>
1/7/13 3:33 p.m.	Arlene Singer Portsmouth 757-686-3854 (home) or 757-404-7774 (cell)	<p>Ms. Singer called and is very upset about the Norfolk Train. Her complaints are that buses do not run early enough in the morning to get people to the Norfolk Station for the early departing trains; that parking is not free nor plentiful at the Norfolk Station; that the train should have been located in Portsmouth; and that no one from our office went to Portsmouth to discuss the location of the train with the constituency in Portsmouth.</p> <p>Most of her information is based on an NARP article she read this morning.</p> <p>She wants to talk to agency director Thelma Drake.</p>	1/7/13 As Thelma was working out of the office, I sent her an email outlining Ms. Singer's complaint and asking her to call Ms. Singer.	1/8/13 Thelma Drake called Ms. Singer and spoke with her regarding her complaint / concerns regarding the Norfolk Train. She explained the process for the public outreach, tracks system already located in Norfolk, etc. While Ms. Singer would prefer the train to stop in Portsmouth instead of Norfolk, she was	NO	NO



				satisfied with the return call.		

**DRPT CALL AND COMPLAINT LOG**  
**2013**

<b>DATE / TIME</b>	<b>NAME &amp; CONTACT INFO</b>	<b>COMPLAINT SUMMARY</b>	<b>ACTION TAKEN</b>	<b>STATUS</b>	<b>DBE</b>	<b>TITLE VI</b>
1/23/13 8:00 a.m.	Mr. John Byrne 804-729-7815	Called to report a safety issue on a railroad track – Janke Road Gate near Forest Hill Avenue -- double gate went down and wouldn't come back up.	Referred to Jeremy Latimer. Jeremy called Mr. Byrne and left a message at 10:30 a.m. on 1/23/13. Mr. Bryne called back at 10:40 to report the stuck gate. Jeremy called CSX at 10:42 a.m. and reported it – CSX sent a crew out to inspect the signal crossing.	Jeremy called CSX at 10:42 a.m. and reported it – CSX sent a crew out to inspect the signal crossing.	NO	NO

**DRPT CALL AND COMPLAINT LOG**  
**2013**

DATE / TIME	NAME & CONTACT INFO	COMPLAINT SUMMARY	ACTION TAKEN	STATUS	DBE	TITLE VI
4/24/13 3:14 p.m.	Mr. Jon Stedson 540-421-7659	Was transferred from the Governor's Secretary of Transportation Office. Mr. Stedson's complaint is that the fixed route service in Harrisonburg overcharged him (\$11 versus \$2.00 for ride) and refused to give him change. Mr. Stedson contacted Harrisonburg Transit and spoke to Grant Holsinger and Vicki Connelly. They refused to give him the bus video footage.	Information from Caller was passed on to Terry Brown who then contacted Harrisonburg Transit via Email and phone call on 4/24.	On April 24, at 4:25 p.m. Grant Holsinger of Harrisonburg responded by email with a history of Mr. Stedson's ride & other rides. Mr. Stedson is partially blind, however, he prefers to ride fixed route instead of the paratransit demand service because of the paperwork. Harrisonburg does not release their video footage unless required to do so by the police, at	NO	NO

				<p>which time they would allow the police officers to review the footage. Mr. Stedson was on tape paying \$1.75 for the \$2.00 ride. He also demanded the new driver take him to his home after waiting for him at his stop. He used offensive language when he called Harrisonburg Transit. They are trying to work with him.</p> <p>(EMAIL containing this information is contained in the Complaint Log File)</p> <p>Linda Maiden, compliance</p>		
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				<p>officer at DRPT, called Mr. Stedson on 4/26/13 at 11:30 a.m. No Answering machine, will continue to try to call.</p> <p>4/26/13 2:10p.m - Linda placed another call to Mr. Stetson. Mr. Stetson relayed the same complaint that the bus driver trainee and the bus driver trainer took his money and that when he complained to Mr. Holsinger he was told he was incorrect. Mr. Stetson is having his Social services representative call DRPT on</p>		
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				Monday 4/29/13. 4/29/13 - A social services representative did not call in regard to this complaint.		
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**DRPT CALL AND COMPLAINT LOG**  
**2014**

DATE/ TIME	NAME & CONTACT INFO	COMPLAINT SUMMARY	ACTION TAKEN	STATUS	DBE	TITLE VI
1/22/14 4:00 p.m.	Ms. Dorothy Jones Westover Hills Boulevard Called from a relative's number and left a disconnected number with us.	Mrs. Dorothy Jones called to complain about the service and general rude attitude of drivers and staff at GRTC. She has filled out all of the proper ADA paperwork with GRTC. She lives on Westover Hills Blvd, and in the past week has been documented with 2 no-shows. One was this morning. She states that she was outside waiting 10 minutes before the driver was supposed to be there (between 6:34 a.m. and 7:04), and she never saw the van. She is visually impaired but can still see shapes. She claims they moved the bus stop recently and she has an agreement in place where the driver is supposed to call her when they arrive. She hasn't been receiving her calls.  She says some of the drivers	Patrice Strachan contacted GRTC.	<b>ADA Complaint</b> Tim Barham, GRTC's Response: I spoke with the general manager of our service provider, Keolis, who operates the CARE service for GRTC. Apparently, Ms. Jones lives in an apartment complex which limits where the vehicle can park in relation to her apartment. On the days in question, the vehicle was parked at the designated spot. There has been some issues in the past which have occurred in reference to the location where the vehicle is supposed to be staged. We have established the spot which is where all of the operators		

		<p>are extremely rude. Also she does not want to talk to Ms. Stanley at GRTC again as she has told her several times she will look into her complaints and get back with her but she never calls.</p>		<p>are supposed to park the vehicle while servicing Ms. Jones. Our service is curb-to-curb; therefore, under normal conditions the customer is supposed to be at the curb waiting on the bus. I do apologize if for some reason she was not able to connect with the operator. All of the vans are equipped with GPS technology, so we are able to verify the location of the vehicle. As a matter of fact, prior to our conversation, Ms. Jones did talk with Keolis' operations manager in order to address the matter.</p> <p>In reference to the arrival calls, even though it is not an ADA requirement, GRTC does try to provide courtesy calls to all of the visually</p>		
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				<p>impaired customers in order to notify them when their vehicle has arrived. Those calls may not be done every single time. However, we do have an IVR system which is close to being implemented. The IVR will give an automatic message to the customer to let the customer know that the vehicle is at the location for the scheduled pickup. The customer will have five minutes from the time the vehicle arrives, which will coincide with the arrival call, to board the vehicle. Failure to do so, will result in a no show. We have informed the customers that they need to provide us with a primary contact number which will be the number that will be</p>		
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				<p>called. I understand that Ms. Jones has several numbers on file, and she has been asked to provide us with a primary number so that she will receive the arrival calls now and once the IVR is operational.</p> <p>Finally, as far as the part of the complaint which references rude operators, we train and instruct our operators to provide friendly, courteous customer service. They are reminded during meetings and refresher training. If we do receive a customer complaint which accuses the operator of being rude, we will retrieve the DVR in order to determine whether or not the operator was exhibiting inappropriate behavior. If that is</p>		
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				<p>the case, corrective action will take place. Ms. Jones has expressed similar issues in the past, and we have investigated the matter. In one particular case, I viewed the DVR footage myself. What appeared to take place was Ms. Jones' wanting to engage in a conversation with the operator, but the operator was not actively participating in the conversation. Our operators are taught to concentrate on their driving duties and not to engage in unnecessary conversations with the customers. In that particular case, Ms. Jones may have perceived the behavior of the operator as being rude.</p>		
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				<p>Patrice, we strive to provide safe and reliable transportation to all of our customers. If we have employees that are not following the proper procedure, we will take the necessary corrective measures. If Ms. Jones feels that her issues are not being addressed by the Keolis staff, she can feel free to contact me directly. I hope that I have addressed the concerns that were raised. If you have any further questions, please do not hesitate to contact me.</p> <p><b>Monday, 1/27/14 – Called Ms. Jones and her phone has been disconnected.</b></p>		
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**DRPT CALL AND COMPLAINT LOG**  
**2014**

3/19/14 10:30 a.m.	Ms. Dorothy Jones 233-8644, 603 Westover Hills Boulevard	<p>She called to complain about spending an excessive amount of time on the care van on March 10. She called and requested pickup for a 6:30 a.m. to 7:00 a.m. window. She needed to be dropped off at 7:30 a.m. at school on Azalea avenue. She was dropped off at 9:12 a.m. She didn't want to talk to Ms. Stanley again because she has "issues" with Ms. Stanley. I called Mr. Buddy Shearer, Supervisor, and he indicated that Ms. Jones times were correct and that she was picked up during a peak time. The bus driver had 7 other pickups before Ms. Jones was dropped off.</p> <p>Ms. Stanley indicated that Ms. Jones had talked with her briefly on 3/14 to lodge her complaint as well.</p> <p>Ms. Jones main complaint was that it should have been</p>	Patrice Strachan contacted GRTC regarding the complaint and requested an investigation/ explanation.	<p>GRTC acknowledged the complaint and is instituting better procedures with Kelois (contractor) to eliminate this sort of thing from happening again.</p> <p>Ms Jones was contacted on 3/27/14 by Linda Balderson and told her of the steps GRTC is taking and she was satisfied with the answer.</p>	NO	NO
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		communicated to her prior to leaving her apartment complex, or when she scheduled her ride, that she would be an hour and half late for school as she could have made other arrangements for a ride.				
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**DRPT CALL AND COMPLAINT LOG**  
**2014**

4/29/14 Written Complaint received in mail	Ms Pamela Capps 609-A Edgar Street Lynchburg, 24501	Ms. Capps complained about GLTC service saying they were discriminatory and rude.  <b>**A copy of the complaint letter and response is located in the Title VI complaint file.**</b>	GLTC was contacted and asked to expedite a response to this letter since the letter was sent to DRPT as well as the Governor's Office.	GLTC provided a response to Ms. Capps complaints. Linda Balderson responded to Ms. Capps that while a preliminary investigation revealed no discrimination based on race, that she was welcome to file a written complaint with DRPT regarding a Title VI violation if she felt there was one. Ms. Capps was provided with the TITLE VI Complaint form and asked to return it.  UPDATE – 5/22/14 – have not received a written statement from Ms. Capps regarding her complaint.		YES
7/9/14	Anonymous	Letter from DASH employees with various complaints	None since the letter was anonymous	Closed	No	No
8/21/14	Karen Rogers804-	She is disabled and Bay	Bay Transit	Closed	ADA	ADA

	824-7240	Aging told her she has to walk two miles to her transit stop	called Mrs Rogers and explained to her that she is outside of the service area, however, they did arrive at a mutually agreeable location which Ms. Rogers can be picked up			
9/18/14	Barbara Cottle <a href="mailto:barbcottle@aol.com">barbcottle@aol.com</a>	Called to complain that she cannot find a schedule for Four County Transit	Information was provide by Terry Brown	Closed	NO	No
11/16/14	Victoria Stermer 757-410-2366	Complaint about HRT regarding Handi-ride service. Claims she was denied service and has to walk too far to her stop	HRT was familiar with Ms. Stermer. She had not yet filled out her eligibility paperwork. HRT assisted her in filling out her paperwork and gave her instructions on how to get to her stop and times, etc.	Closed	ADA	ADA



**DRPT CALL AND COMPLAINT LOG**  
**2015**

<b>DATE / TIME</b>	<b>NAME &amp; CONTACT INFO</b>	<b>COMPLAINT SUMMARY</b>	<b>ACTION TAKEN</b>	<b>STATUS</b>	<b>DBE</b>	<b>TITLE VI</b>
1/23/15	Barbara Carey 703-273-2736	Complaint regarding Metro in Fairfax and asked who she could call to complain about their Service	Todd Horsley contacted Ms. Carey and assisted her	Closed	No	No
1/12/15	Frederick Costello	Route 1 Study	Thank you letter	Closed	No	No
1/12/15	Trevor Heaton	Expressed Concerns regarding WMATA safety	Letter	Closed	No	No
1/20/15	Catherine Kudrick	Expressed Concerns regarding WMATA safety	Letter	Closed	No	No
1/22/15	Letter from FTA Regarding STAR complaint from Mr. Calvin Matthews	This letter upholds STAR's determination to ban Mr. Matthews from riding STAR transit		Closed	No	No
1/27/15	Barbara Carey	Schedule for WMATA	Return call from Terry Brown	Closed	No	No
2/2/15	Thomas Fise 1203 Captain Court, Maryland	WMATA's bad service at the Roslyn Station	Return letter addressing concerns	Closed	No	No
3/4/15	Margie Robinson	Expressed Concerns regarding WMATA safety	Letter	Closed	No	No
3/14/15	Nathaniel Milhous	WMATA Delays	Letter	Closed	No	No
3/27/15	Linda Lou Kelly	WMATA safety	Letter	Closed	No	No
3/27/15	Joe Whiteman	Expand Public Transportation in Virginia	Letter	Closed	No	No

4/14/15	Gary Brooks, Alexandria	Loud Train Whistles	Norfolk Southern replied directly	Closed	No	No
6/10/15	Cathy Fredhome 757-302-4322	Probation officer for Mr. Calvin Matthews. Mr. Matthews has been banned from riding STAR (approved by FTA) and wants his right to ride reinstated. Ms. Fredhome called to let me know that they had appealed Mr. Matthews case to STAR.	Information was forwarded to STAR from probation officer which included notes from Mr. Matthews physicians	Ongoing	No	No
6/16/15	Daniel Peacock	VRE Expansion Proposal	Thank you letter	Closed	No	No
6/18/15	Troy Griffin	Complaint against HRT for not calling forward to hold a bus for him when his HRT bus was running late	HRT is investigating and will contact Mr. Griffin	Ongoing	No	No
6/30/15	Cathy Fredhome 757-302-4322	Probation officer for Mr. Calvin Matthews. Called to follow up.	STAR advises that Mr. Matthews paperwork is with their attorney for review	Ongoing	No	No

# Appendix G: Discrimination Complaint Form

## DRPT Title VI Discrimination Complaint Form

Please provide the following information in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

Title VI Compliance Officer, DRPT, 600 E. Main Street, Suite 2102, Richmond, VA 23219.

You can reach our office Monday-Friday from 8:00am to 4:30pm at (804) 786-4440, or you can email the DRPT Title VI Compliance Officer at [drptpr@drpt.virginia.gov](mailto:drptpr@drpt.virginia.gov).

---

**Complainant's Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No. (Home):** \_\_\_\_\_ **(Business):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Person discriminated against (if other than complainant):**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**The name and address of the agency, institution, or department you believe discriminated against you.**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Date of incident resulting in discrimination:** \_\_\_\_\_

**Identify the category of Discrimination:**

**Race** \_\_\_\_\_ **Color** \_\_\_\_\_ **National Origin** \_\_\_\_\_

**Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use back of form or attach extra sheets to form.**

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**Does this complaint involve a specific individual(s) associated with DRPT? If yes, please provide the name(s) of the individual(s), if known.**

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**Where did the incident take place?**

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**Are there any witnesses? If so, please provide their contact information:**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**Did you file this complaint with another federal, state or local agency; or with a federal or state court?**

☐ Yes

☐ No

**If answer is Yes, check each agency complaint was filed with:**

☐ Federal Agency

☐ Federal Court

☐ State Agency

☐ State Court

☐ Local Agency

☐ Other

**Please provide contact person information for the agency you also filed the complaint with:**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Date Filed:** \_\_\_\_\_

**Sign the complaint in the space below. Attach any documents you believe support your complaint.**

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**Complainant's Signature**

---

**Signature Date**

# Appendix H: DRPT Limited English Proficiency Plan

Due to the size of this document it has been attached as a separate document entitled Limited English Proficiency Plan.

# Appendix I: Board Membership

DRPT's policy decisions are not governed by a board, committee, or council.



# Appendix J: State Management Plans

Commonwealth of Virginia  
Department of Rail and Public Transportation  
FTA MAP-21 Compliant  
Section 5310/Section5316 and / Section5317  
State Management Plan

December 2014

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## Introduction

The Federal Moving Ahead for Progress in the 21st Century (MAP-21) legislation went into effect on October 1, 2012. The program changes in this legislation included the repeal of the Federal Transit Administration's (FTA) Section 5316 (Job Access and Reverse Commute – JARC Program) and Section 5317 (New Freedom Program) and the establishment of an enhanced Section 5310 that serves as single formula program to support the mobility of seniors and individuals with disabilities.

MAP-21 updates and takes the place of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation enacted in 2005. SAFETEA-LU authorized the Section 5310 (Elderly Individuals and Individuals with Disabilities), Section 5316 Program – Job Access and Reverse Commute (SECTION 5316), and Section 5317 (New Freedom) Programs.

The enactment of MAP-21, publication in June 2014 of the U.S. Department of Transportation's Federal Transit Administration (FTA) Program Guidance Circular for section 5310, and staffing and organizational changes within DRPT, necessitate the updating of this State Management Plan. The State Management Plan incorporates the current statutory and programmatic requirements and uses citations based on the codification of the Federal Transit Act, as amended, and other related Federal Transit Laws into the United States Code. References to the JARC and New Freedom programs remain in the State Management Plan because DRPT will continue to manage these programs through close out.

Previously, the Governor designated the Virginia Department of Rail and Public Transportation (DRPT) as the agency for administration of the Statewide Section 5310 Program in Virginia and the Section 5316 and Section 5317 Programs in areas of the Commonwealth outside the large urbanized areas of over 200,000 in population. As noted in FTA circulars C 9070.1F (Section 5310), C 9050.1 (Section 5316), and C 9045.1 (New Freedom), designated recipients are required to have an approved State Management Plan (SMP) that describes the State's policies and procedures for administering the Section 5310 Program and the State-managed portions of the Section 5316 and Section 5317 Programs.

Under MAP-21, DRPT continues to serve as the administrator of Section 5310 programs. Through mutual agreement, this includes the large urban areas of Richmond/Petersburg, Roanoke, and Hampton Roads. Section 5310 programs serving the Metro Washington D.C. large urban area, including portions of Northern Virginia, are administered by the Metro Washington Council of Governments (COG).

## Purpose of the State Management Plan

The Section 5310 Section 5316/Section 5317SMP is intended to facilitate both DRPT's management and FTA oversight by documenting the Commonwealth's procedures and policies for administering the programs in a single reference. While the SMP is intended to be useful to DRPT as well as to subrecipients, its primary purpose is to serve as the basis for the FTA to perform designated recipient-level management review of the Section 5310,

Section 5316 and Section 5317 Program, and to provide public information on the DRPT's administration of the three programs.

## **A. Program Goals and Objectives**

### **1. Section 5310 Program**

MAP-21 (Pub. L. 112-141) blended the previous "Section 5310 Program" and the New Freedom Program (49 U.S.C. 5317, authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU), and repealed by MAP-21).

The goal of the new Section 5310 Program, as amended by MAP-21, is to provide grants for the activities previously authorized under two separate grants programs, including public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and people with disabilities when public transportation is insufficient, unavailable, or inappropriate; public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990; and alternatives to public transportation that assist people with disabilities.

### **2. Section 5316 Program**

The goal of the Section 5316 Program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. DRPT administers this program for individuals living in the rural and small urban areas of the state (population under 200,000).

### **3. Section 5317 Program**

The goal of the Section 5317 Program is to support new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. DRPT administers this program for individuals living in the rural and small urban areas of the state (population under 200,000).

### **4. DRPT Objectives**

Through the administration of the Section 5310, Section 5316, and Section 5317 Programs, it is the objective of DRPT to:

1. Encourage the maintenance and improvement of existing transportation providers serving seniors and people with disabilities in the Commonwealth of Virginia through reliable programming of Federal Financial Assistance;
2. Help to maximize the efficiency, effectiveness, and safety of existing human service transportation providers and public transportation systems through capital and technical assistance;

3. Enhance the access of all citizens in Virginia, especially the transportation disadvantaged, to transportation services for trip purposes such as health care, shopping, education, recreation, and employment, through the introduction of new transportation services and the protection of existing services;
4. Encourage efforts to avoid service duplication and improve the reliability of human service transportation providers;
5. Maintain administrative and technical assistance capabilities at the state level to assist human service transportation providers and local governments in the management of their systems;
6. Ensure that there is a fair and equitable distribution of Section 5310/Section 5316/Section 5317 program funds;
7. Ensure a process whereby private transit operators are provided an opportunity to participate to the maximum extent feasible; and
8. Provide for maximum feasible coordination of public transportation assisted by FTA with transportation services assisted by other Federal sources.

## **B. Roles and Responsibilities**

In the 1992 Session of the Virginia General Assembly of the Code of Virginia was amended to add Section 33.1-391, which established the Department of Rail and Public Transportation. Under 33.1-391.5 the Department currently has the following responsibilities:

1. Determine present and future needs for, and the economic feasibility of providing, public transportation, transportation demand management, and ridesharing facilities and services and the retention, improvement, and addition of passenger and freight rail transportation in the Commonwealth;
2. Formulate and implement plans and programs for the establishment, improvement, development and coordination of public transportation, transportation demand management, and ridesharing facilities and services, and the development, retention, and improvement of passenger and freight rail transportation services and corridors in the Commonwealth, including lines for higher speed passenger rail that will shift traffic from the highways to passenger rail and thereby reduce traffic congestion, and coordinate transportation demand management and innovative technological transportation initiatives with the Department of Transportation;
3. Coordinate with the Department of Transportation in conducting research, policy analysis, and planning for the rail and public transportation modes that may be appropriate to alleviate traffic congestion on highways, by shifting traffic to passenger rail and to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in the Commonwealth;

4. Develop uniform financial and operating data and criteria for evaluating all public transportation activities in the Commonwealth, develop specific methodologies for the collection of such data by public transit operators, regularly and systematically verify such data by means of financial audits and periodic field reviews of operating data collection methodologies, and develop such other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations, transportation demand management programs, and ridesharing in the Commonwealth;
5. Compile and maintain an up-to-date inventory of all abandoned railroad corridors in the Commonwealth abandoned after January 1, 1970;
6. Provide training and other technical support services to transportation operators and ridesharing coordinators as may be appropriate to improve public transportation, ridesharing, and passenger and freight rail services;
7. Maintain liaison with state, local, district and federal agencies or other entities, both private and public, having responsibilities for passenger and freight rail, transportation demand management, ridesharing, and public transportation programs;
8. Receive, administer and allocate all planning, operating, capital, and any other grant programs from the Federal Transit Administration, the Federal Railroad Administration, the Federal Highway Administration, and other agencies of the United States government for public transportation, passenger and freight rail transportation, transportation demand management, and ridesharing purposes with approval of the Board and to comply with all conditions attendant thereto;
9. Administer all state grants for public transportation, rail transportation, ridesharing, and transportation demand management purposes with approval of the Board;
10. Promote the use of public transportation, transportation demand management, ridesharing, and passenger and freight rail services to improve the mobility of Virginia's citizens and the transportation of goods;
11. Represent the Commonwealth on local, regional, and national agencies, industry associations, committees, task forces, and other entities, both public and private, having responsibility for passenger and freight rail, transportation demand management, ridesharing, and public transportation;
12. Represent the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation and coordinate with the Department of Transportation in the planning, location, design, construction, implementation, monitoring, evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail, transportation demand management, ridesharing, or public transportation;
13. Coordinate with the State Corporation Commission on all matters dealing with rail safety inspections and rail regulations which fall within its purview;
14. Prepare and review state legislation and Commonwealth recommendations on Federal legislation and regulations as directed by the Secretary of Transportation;



15. Promote public transportation, ridesharing, and passenger and freight rail safety; and

16. Ensure the safety of rail fixed guideway transit systems within the Commonwealth and carry out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law. For any rail fixed guideway transit system operated within the Commonwealth pursuant to an interstate compact, the Department shall perform its oversight responsibilities in accordance with the interstate compact governing the operation of such system and any applicable federal law.

According to Virginia law as quoted above, the governor has designated DRPT to administer the Section 5310, Section 5316 and Section 5317 Programs. DRPT will follow both the prescribed procedures published by the U.S. Department of Transportation (CFR Title 23, Subchapter 1, and Part 825) and the existing Federal and State regulations pertaining to the administration of Federal grants.

Application requirements are described in the current Fiscal Year edition of the FTA Grant Program Application Guidance Information Package that is developed and updated on an annual basis. The Information Package is transmitted to all current Section 5310, Section 5316 and Section 5317 subrecipients on or around December 1st of each year. DRPT posts the Information Package on its website and conducts appropriate public and media outreach. A public notice is published in all major newspapers in Virginia announcing its availability to the general public and any public or private agency interested in the program. Forms and instruction for completing the forms to apply can also be found on the DRPT Online Grant Administration (OLGA) website:

<http://olga.drpt.virginia.gov>. A copy of the current DRPT Program Application Guidance Information Package is provided as Attachment A.

## C. Coordination

In 2008, DRPT worked with rural and small urban area stakeholders around the Commonwealth to develop Coordinated Human Service Mobility (CHSM) Plans that met the coordinated transportation planning requirements under the then current circular. Additionally, DRPT supported the development of such plans in large urban areas. The CHSM Plans are organized geographically around 21 Planning District Commissions (PDCs) throughout the Commonwealth. The PDC's have been chartered by the local governments of each planning district under the Regional Cooperation Act to conduct planning activities on a regional basis.

DRPT took a broad approach with the initial CHSM planning efforts to help ensure the participation of key stakeholders at the local level. This included the development of an extensive mailing list, a series of local workshops, and numerous opportunities for input and comments on unmet transportation needs and potential strategies and projects to improve mobility in the region. Overall, eight broad categories of agencies were included in initial outreach activities:

- **Community Services Boards (CSBs) and Behavioral Health Authorities**

(BHAs) These boards provide or arrange for mental health, mental retardation, and substance abuse services within each locality.

- **Employment Support Organizations (ESOs)** These organizations provide employment services for persons with disabilities within localities around the State.
- **Area Agencies on Aging (AAAs)** These organizations offer a variety of community-based and in-home services to older adults, including senior centers, congregate meals, adult day care services, home health services, and Meals-on- Wheels.
- **Public Transit Providers** These include publicly or privately-owned operators that provide transportation services to the general public on a regular and continuing basis. They have clearly published routes and schedules, and have vehicles marked in a manner that denotes availability for public transportation service.
- **Disability Services Boards** These boards provide information and referrals to local governments regarding the Americans with Disabilities Act (ADA), and develop and make available an assessment of local needs and priorities of people with physical and sensory disabilities.
- **Centers for Independent Living (CIL)** These organizations serve as educational/resource centers for persons with disabilities.
- **Brain Injury Programs** These programs serve as clubhouses and day programs for persons with brain injuries.
- **Other appropriate associations and organizations** These include Alzheimer's Chapters, AARP, and the VA Association of Community Services Boards (VACSB).

This initial CHSM planning and outreach process resulted in twenty-one CHSM Plans, finalized in June 2008.

With the enactment of MAP-21 in mid-2012, DRPT began working with stakeholders in each PDC, including participants in initial plan development meetings, to update the existing CHSM plans. Throughout the fall of 2012, DRPT hosted fourteen local planning sessions with diverse groups of stakeholders in communities across the Commonwealth, with the goal of gathering up-to-date data and information, including perspectives from local seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers, and other transportation providers and organizations and agencies.

In the fall 2012 meetings, participants reviewed the issues and strategies included in the original CHSM Plans, and discussed how transportation needs, gaps, and services have changed in their communities over the last five years. Participants identified current services and resources, shared best practices, and prioritized strategies and potential projects going forward.

In the spring and summer of 2013 DRPT conducted 12 follow-up meetings to gather additional input and finalize the draft updated plans. In correspondence and communications announcing the fall and spring stakeholder meetings (a total of 26 meetings were held), as well as post meeting follow up activities, DRPT emphasized the importance of soliciting and incorporating perspectives from local seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers, and

other transportation providers. All recipients were encouraged to broadly disseminate meeting notices and encourage community participation.

Participant comments and recommendations were extensively discussed during the regional meetings, and consensus was developed regarding specific additions and amendments to each plan. Incorporating such feedback into each plan was a crucial component in updating and improving the plans and the willingness of stakeholders to participate in this process and share their perspectives is sincerely appreciated. Nineteen regional plans were finalized in September 2013 and the remaining plans were finalized in June 2014.

## **D. Eligible Subrecipients**

### **1. Section 5310 Program**

1. Private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting special needs of elderly persons with disabilities for whom mass transportation services are unavailable, insufficient or inappropriate;

2. Public bodies approved by the State to coordinate all private nonprofit transportation services for elderly persons and persons with disabilities in the public body's service area.

(DRPT has documented through two studies the “2005 United We Ride Inventory” and “State Coordination Model for Human Services Transportation”). Services provided from the Virginia Behavioral Health and Development Services for the mental health and intellectual disability are provided through Local Community Services Board (CSB). In Virginia CSBs are not private non-profits but owned by local governments. In Virginia CSBs provide transportation services for these two populations. This requires them to apply for the FTA Section 5310 program as public entities. DRPT has documented through these two studies that CSBs are the only local agencies able to provide transportation services. This is documented in the 21 Regional Coordinated Human Service Mobility Plans funded by DRPT.

3. Public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide coordinated transportation services for elderly persons and persons with disabilities in the public body's service area.

4. Operators of public transportation services. For example, taxi operators that provide shared-ride service may be subrecipients for non-Traditional Section 5310 Projects, as an operator of public transportation. Taxi companies that wish to participate in the Section 5310 Program that do not provide shared-ride service may do so as contractors to recipients or subrecipients.

### **2. Section 5316 and Section 5317 Programs**

1. Private non-profit organizations
2. State or local governmental bodies
3. Operators of public transportation services
4. Private operators of public transportation services

### **3. Other Eligibility Considerations**

All applicants are required to provide an adequate opportunity for public review and comment on a project, and, after providing notice, must provide an opportunity for a public hearing if it is requested. This notice must be advertised in the local newspaper and should appear at least 14 days before the application submittal deadline

In addition, applicants for Section 5310, Section 5316, and Section 5317 funds are expected to reasonably meet technical capacity requirements for grant administration and program management. They are also required to review a brief of their proposals at a local CHSM meeting prior to the application being submitted in OLGA.

### **4. Eligible Projects - Examples**

Project eligibility for funding through the Section 5310, Section 5316, and Section 5317 Programs is consistent with FTA guidance on these programs. To use funds most effectively, new and innovative projects addressing the unmet transportation needs of seniors and people with disabilities are encouraged. In addition, projects must respond to one or more of the strategies identified in the regional CHSM Plans.

Examples of eligible projects for specific programs include, but are not limited to the following:

**Traditional Section 5310 Projects:**

**Capital Activities**

- Vehicles
- Radios and communications equipment
- Wheelchair lifts and restraints
- Vehicle rehabilitation
- Microcomputer hardware and software to be used for transportation program
- Acquisition of transportation services under a contract lease.

**1) Section 5316 Projects:**

**Operating Activities**

- Late night and weekend service
- Guaranteed ride home service
- Shuttle service
- Expanded fixed-route public transit routes
- Demand-responsive service
- Ridesharing and carpooling activities
- Voucher programs

**Capital Activities**

- Intelligent Transportation Systems (ITS)
- Promotion of operating activities
- Vehicles
- Mobility management activities

**2) Other Section 5310/5317 Projects:**

**Operating Activities**

- Expansion of paratransit service beyond the minimum requirements of ADA
- Expansion of current hours for paratransit service
- Enhancement of services
- Voucher programs

**Capital Activities**

- Acquisition of accessibility equipment beyond ADA requirements
- Purchasing accessible vehicles to support taxi, vanpooling, and/or ridesharing programs
- Mobility management activities
- Travel training

- Volunteer driver programs

## E. Local Share and Local Funding Requirements

Local share requirements for the Section 5310, Section 5316, and Section 5317 Program funds are consistent with FTA matching requirements. The Federal share of eligible capital expenses (including mobility management) may not exceed 80% of the net project costs, and the Federal share of eligible operating expenses may not exceed 50% of the net operating costs.

<b>Match Requirements</b>		
<b><i>Type of Funding</i></b>	<b><i>Federal Share</i></b>	<b><i>Local Share</i></b>
Capital	80%	20%
Operating	50%	50%

All of the local share must come from sources other than Federal Department of Transportation (DOT) program funds. Applicants are encouraged to develop partnerships for accessing local match monies from other non-DOT Federal funds, and are provided with a list of possible sources. In addition, dedicated tax revenues, private donations, revenue from human service contracts, and net income generated from advertising and concessions are eligible match sources.

## F. Project Selection Criteria and Method of Distributing Funds.

The DRPT project review and selection process begins annually upon the Department of Rail and Public Transportation's receipt of the Section 5310, 5316 and 5317 OLGA applications in February. All applicants are screened to ensure that agencies have complied with the administrative requirements of the Section 5310, Section 5316, and Section 5317 Programs, as applicable. DRPT staff will review each application to assess eligibility, compliance with application guidance requirements, and funding priorities addressed. Staff may recommend programmatic and budgetary revisions. Application requirements, evaluation criteria and funding priorities will be detailed annually in the application guidance documents.

In the Section 5310/Section 5316/Section 5317 narrative and associated documents, applicants should exhibit a high probability of success by a sound managerial and operating strategy, and reflect the capability to properly monitor, maintain and repair equipment to ensure safe and reliable transportation. They should also reflect cooperative planning and coordination efforts. Coordination is defined as the joint action of two or more organizations to provide transportation services to seniors and people with disabilities. Such joint actions can include the common sharing of transportation facilities and/or equipment or cooperative arrangements, which improve service efficiency levels.

DRPT is required by FTA to assure that grant recipients have provided for maximum coordination of transportation services. Through development of regional CHSM plans, and the recent updating of plans, DRPT has assisted regional stakeholders in making coordination of transportation services a high priority of Virginia's Section 5310/Section 5316/Section 5317 Programs.

As part of the annual application guidance development process, DRPT will identify core emphasis areas and selection criteria that will be used to evaluate and prioritize FTA Section 5310/Section 5316/Section 5317 applications, development of the Annual Program of Projects, and assure equitable distribution of benefits. These emphasis areas and how they will be used to evaluate and prioritize FTA applications are explained in detail within the OLGA application process, so that all applicants are aware of how their applications will be reviewed and prioritized, resulting in the Annual FTA Section 5310/Section 5316/Section 5317 Program of Projects. The approval of each year's application for FTA Section 5310/Section 5316 and Section 5317 Programs may vary depending on the emphasis areas chosen for that particular year.

In general, each application will be evaluated based on quality and completeness of applicant responses to application items addressing: management of operations, preventative maintenance practices, coordination of transportation services with other transportation providers, etc.

All applicants not awarded a grant receive a visit, or at a minimum a phone review, detailing the shortfalls of the application and areas to improve upon for future submittals etc. DRPT staff then develop a Draft Annual Program of Projects for the FTA Section 5310. This draft program of projects will then be presented to the Director of DRPT in February, to the Secretary of Transportation in April, and presented for final approval by the Commonwealth Transportation Board, normally in June of each year. Note: Until prior year allocations under Sections 5316 and 5317 are exhausted, New Freedom and JARC awards will also be detailed in the Program of Projects.

Note: MAP-21 consolidated Sections 5310 and 5317 and repealed Section 5316. These grant programs are listed individually above because at the time of publication DRPT continues to have funding available under each program from apportionments prior to federal fiscal year 2013 and may continue to accept applications under each grant program until funds are exhausted.

## **1. Appeals Process**

An applicant whose application was not approved by the Commonwealth Transportation Board may file a protest to DRPT within 60 days following action by the Commonwealth Transportation Board.

An applicant that files a protest must send a letter to the DRPT Public Transportation Administrator explaining the reasons for the protest and must include a copy of the applicant's FTA Section 5310 application. The protest letter should be sent to the following address:

Public Transportation Administrator  
Virginia Dept. of Rail & Public Transportation  
600 East Main Street, Suite 2102  
Richmond, VA 23219

The Public Transportation Administrator will officially respond to the protest within 30 days.

## **2. Fund Distribution**

### *Operating and Mobility Management Grants*

Grants for operating assistance through (MAP 21) Section 5310, Section 5316 and Section 5317 Programs are issued on a reimbursement basis. Costs must be incurred before payment is made. All costs charged to DRPT assisted projects must be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges. Recipients can invoice DRPT monthly.

### *Capital Grants – Vehicles*

Capital assistance grants require monthly reporting via DRPT's Online Grant Administration (OLGA) Program that includes passenger trips.

## **G. Annual Program of Projects Development and Approval Process**

The solicitation of applications is accomplished through a statewide public notice and a memorandum announcing the availability of FTA Section 5310/5316/Section 5317 funding. The DRPT Human Service Transportation Program Administrator is available for public meetings to discuss the applications with eligible recipients. The memorandum is electronically sent to Human Service Agencies, Metropolitan Planning Organizations, and Planning District Commissions.

The public notice is printed in all major circulation newspapers throughout the Commonwealth and indicates the same information as described in the statewide memorandum. The statewide memorandum and public notice is issued during the first week of November.

Applications are submitted to DRPT through the Online Grant Administration (OLGA) system, which can be accessed at <http://olga.drpt.virginia.gov>. All applications must be submitted through the OLGA system. As applicable applications include the following:

- Articles of Incorporation
- Copy of letter of exemption IRS Section 501 C
- Copies of public notice of intent to apply
- Letter of notice to human service agencies
- List of agencies sent notice
- Letter of notice to PDC/MPO
- Signed FTA Certifications and Assurances (if available)
- Completed Title VI Civil Rights Forms
- Copy of Vehicle Insurance Package



The review process begins upon DRPT's receipt of the Section 5310/5316/Section 5317 applications in early February. Each application is reviewed to ensure that the application complies with program requirements. Those projects that are recommended for selection are included in a Draft FTA Program of Projects in mid-February.

The Draft FTA Section 5310/5316/Section 5317 Program of Projects is then presented to Public Transportation Administrator for preliminary review. A Final Draft FTA Program of Projects is presented to the DRPT Director by March 1. Upon approval by the Agency Director, the final Program of Projects is presented to the Secretary of Transportation. Upon the review and approval by the Secretary of Transportation the FTA Program of Projects is then presented to the Commonwealth Transportation Board in early April. The Commonwealth Transportation Board approves the Final FTA Section 5310/Section 5316/Section 5317 Program of Projects in June.

After the Program of Projects is first presented to the Commonwealth Transportation Board, it is also posted to DRPT's website as part of the draft SYIP, and applicants can determine whether or not projects are recommended for funding and, if so, at what funding level. The final Annual Program of Projects is submitted in June to the Commonwealth Transportation Board (CTB) for approval. Upon CTB authorization, the application is submitted to FTA in June. The Commonwealth Section 5310/Section 5316/Section 5317 Annual Program of Projects is included as part of the Virginia Department of Transportation's Statewide Transportation Improvement Program (STIP). Prior to FTA application submission and as part of the STIP development, the Commonwealth Transportation Board conducts both preliminary and final STIP public hearings. Those applicants selected for funding are notified of their local match requirements after FTA approves the Program of Projects in September of the application year.

#### **1. STIP/TIP Requirement**

Proposed projects must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR Part 613 and 23 CFR Part 450. That is, all transit projects for which Federal funds are expected to be used and that are within metropolitan planning boundaries, must be included in a metropolitan Transportation Improvement Program (TIP) approved by the Metropolitan Planning Organization (MPO) and the Chief Executive Officer of a State and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and FHWA. Projects not within metropolitan planning boundaries are required only to be in the STIP. The DRPT project application identifies the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan. If a project is selected and is part of an MPO, it must be included in the local TIP. However, if a project is outside of an MPO, DRPT ensures that the project is included in the STIP.

### **H. State Administration, Planning and Technical Assistance**

DRPT will be using in some fiscal years 10% of allowable funds for state administration, planning and technical assistance from Section 5310 and previous Section 5316 and Section 5317 awards to support planning and technical assistance to Section 5310/5317/5317 subrecipients, including periodic updates to regional Coordinated Human Service Mobility plans.

## **I. Funds Transfer:**

DRPT will not be transferring any funds from the Section 5310, 5316, or 5317 to any other programs.

## **J. Private Sector Participation**

Each Section 5310/Section 5316/Section 5317 applicant is required to publish a public notice of intent to apply for a FTA Section 5310/Section 5316/Section 5317 grant. This notice must be advertised in the local newspaper and should appear at least fourteen (14) days before the application submittal deadline. Transportation providers in their service areas are also to be advised by letter of their intention to apply for Section 5310 financial assistance. Public notices direct interested parties to submit comments to DRPT.

Public Bodies that apply for the FTA Section 5310/Section 5316/Section 5317 Program are required, if requested, to hold a public hearing on the application to receive comments from the general public. A copy of a public notice published in a major newspaper, must be attached to the FTA Section 5310/Section 5316/Section 5317 application. Such notice should be published at least fourteen (14) calendar days in advance of the application due date.

In the event a private sector provider has indicated that they can provide the same service, the applicant must examine the feasibility of purchasing transportation services from the Private sector provider.

Should private transportation providers raise any objections; the applicant will address them during the application process. DRPT staff will review all objections to the application/program and the applicant's response.

If a resolution cannot be found during the application process or the private operator is not satisfied with the response provided by the applicant, then the private operator may request that DRPT staff meet with both parties to review the objection, and if appropriate, to seek to develop a compromise agreement that will resolve the objection.

If a compromise agreement cannot be reached between the private operator and the applicant, DRPT will recommend one of the following three actions:

The statement of objection will be declared invalid or unresolved;

The statement of objection will be declared valid and resolvable, and the project applicant will be required to modify its project proposal; or

The statement of objection will be declared valid, and the applicant will be required to withdraw its project proposal until such time as the issue of coordination with private operators is adequately addressed.

Any of the three actions identified will be subsequent to the approval of the Director of the Department of Rail and Public Transportation. The Director will hear any appeals by either the private operator or the applicant with regard to any one of the three actions recommended by the Department of Rail and Public Transportation. The decision of the Director will be final; however, the applicant and the private operator may have the right to appeal the decision to a court with jurisdiction.

FTA may be requested to review the objection only upon procedural grounds and only after disposition of complaints at the local and state level.

## **K. Civil Rights**

The Department of Rail and Public Transportation requires that all applicants certify through the annual application process that they are in compliance with all Civil Rights requirements associated with the program. Specifically:

- a. Title VI Program Requirements: Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1.
- b. Civil Rights Requirements: Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1.
- c. Each applicant is requested to state if their agency is a minority organization as defined in FTA circular 4702.1.
- d. Each applicant is requested to show racial breakdown of anticipated ridership.

When DRPT submits a FTA Section 5310 Annual Program of Projects a record of approved and rejected funding requests from minority organizations is included.

## **L. Section 504 and ADA Reporting**

Each applicant will sign a certification that it has reviewed the policies; practices and facilities used in the provision of transportation services in order to fulfill the requirements of the Americans with Disabilities Act, 49 U.S.C. 322, and the implementing regulations of the Federal Transit Administration, 49CFR Part 37 and 38.

## **M. Program Measures**

The following indicators are targeted to capture overarching program information as part of the annual report that DRPT submits to FTA. As appropriate, DRPT will submit both quantitative and qualitative information as available on each of the following measures.

### **1. Traditional Section 5310 Projects**

- (1) Gaps in Service Filled. Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

- (2) Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310–supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

**2. Other Section 5310 and 5317 Projects**

- (1) Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- (2) Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- (3) Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

**3. Section 5316 Program Measures**

- (1) Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of Section 5316 projects implemented in the current reporting year.
- (2) Actual or estimated number of rides (as measured by one-way trips) provided as a result of the Section 5316 projects implemented in the current reporting year.

DRPT will ensure that the above information is reported for all DRPT subrecipients of Section 5310 funding (and Section 5316/5317 funding awarded by DRPT). The Metro Washington Council of Governments, as the Metro DC designated recipient, will report on behalf of itself and any subrecipients.

## **N. State Program Management**

**1. General Procedures**

DRPT has the responsibility for the Commonwealth's FTA Section 5310/Section 5316/Section 5317 programs. The Public Transportation Section of the Department has been assigned this responsibility and the Human Service Transportation Program Manager is assigned the responsibility of the Section 5310/Section 5316/Section 5317 Programs.

The Commonwealth's Section 5310/Section 5316/Section 5317 Programs is managed in accordance with applicable FTA Circulars. The following paragraphs also describe how DRPT administers the major management responsibilities:

## **2. Procurement**

All procurement made within the Section 5310/Section 5316/Section 5317 programs will be in accordance with applicable state law. Additionally, all procurements will include all Federal – required clauses in procurement documents as outlined in Section 36 of the FTA Master Agreement.

DRPT requires Section 5310/Section 5316/Section 5317 sub-recipients to purchase vehicles from Virginia procurement contracts. However, if the sub-recipient is an existing FTA funded transit system, they have the option of procuring vehicles independently, though they must still follow the FTA procurement process. Through annual discussions with vendors and sub-recipients, DRPT develops bid specifications for the state procurement contracts. DRPT prepares the bid package including the bid specifications, state's standard terms and a list of federally required clauses. DRPT's Fiscal Division will solicit the bid package.

DRPT's Human Service Transportation Program Manager works in conjunction with DRPT's Fiscal Division to determine if bids received from vendors meet the specifications. Once the contract is awarded, DRPT deals directly with the vendor. DRPT issues all purchase orders and receives all vendor invoices. Sub-recipients submit the 20% local share to DRPT in advance of the official purchase order.

## **3. Financial Management**

DRPT is responsible for keeping detailed records on individual projects within the program of projects of each FTA Section 5310/Section 5316C/Section 5317 grant. This includes all supporting documentation such as budget revisions, contract amendment justifications, and related contract correspondence. Section 5310/Section 5316/Section 5317 recipients are instructed in the proper maintenance and retention of contract and program documentation.

All records pertinent to each FTA grant and the subrecipients' program of projects are retained and are available to authorized representatives of the U.S. DOT and Comptroller General of the United States for three years following the date of forwarding of the final financial status report (SF-269) and request for the project closeout. The financial records present adequate documentation of the computation of the Federal share and the provision of the local share.

DRPT submits to FTA an annual program status report for the program of projects for each active grant. These reports cover the 12-month period ending September 30th and will be submitted via TEAM within 30 days after the end of the reporting period. Reports include, as necessary: An updated Program of Projects and revised budget for each active project reflecting revised project descriptions, changes in projects from one category to another and adjustments within budget categories; performance measures data, and updated milestones.

#### **4. Property Management and Disposition**

All sub-recipients receiving FTA Section 5310/Section 5316/Section 5317 capital assistance will receive periodic on site inspections of equipment. DRPT will seek to schedule such inspections during the useful life of the equipment, based on staff workload and availability of resources.

The useful life of all FTA Section 5310/Section 5316/Section 5317 vehicles is a minimum of 4 years or 100,000 miles. DRPT is the first lien holder on all FTA Section 5310/Section 5316/Section 5317 equipment. After the equipment has reached the minimum of 4 years or 100,000 miles the sub-recipient can apply for a replacement vehicle in the next Section 5310/Section 5316/Section 5317 cycle. The equipment will still remain in DRPT control and will remain on the DRPT vehicle inventory. In accordance with DRPT policy, sub recipients are required to report to DRPT when vehicles are in accidents, stolen or sustain other property damage.

Based on data contained within DRPT's Asset Management Database, DRPT will periodically generate title/lien release documents and return titles for those FTA funded vehicles for which 1) DRPT holds title, 2) reported mileage exceeds specified useful life, and 3) vehicle age exceeds specified useful life. Vehicle age will be calculated from the date of acquisition/delivery.

In accordance with the Section 5310 FTA Circular, subrecipients are not required to return to DRPT/FTA proceeds from the sale of equipment exceeding useful life standards, regardless of the fair market value at the time the equipment is sold, but are advised to follow their own procedures regarding the use of proceeds, so long as the proceeds remain in use for public transportation purposes.

A sub-recipient may request the title for a vehicle that is not past its useful life because the sub-recipient no longer needs the vehicle for the purposed for which it was acquired. However, in this case, DRPT will seek to have the vehicle transferred to another eligible sub-recipient. The original subrecipient will reimbursed for 20% of the fair market value of the vehicle by the new sub-recipient.

If DRPT cannot find an eligible subrecipient for the vehicle and DRPT approves of the original subrecipient to sell the vehicle, 80% of the proceeds of vehicle will be returned to DRPT.

All Section 5310/Section 5316/Section 5317 subrecipients are required to maintain adequate insurance coverage in an amount and form satisfactory to DRPT and in accordance with the laws of the Commonwealth of Virginia and applicable FTA Circulars. DRPT receives a copy of the insurance policy with each Section 5310/Section 5316/Section 5317 application and reviews the policies during on-site visits.

#### **5. Vehicle Use**

DRPT will ensure through on-site inspections and compliance reviews that all equipment purchased through the FTA Section 5310/Section 5316/Section 5317 program is being used for the provision of transportation for seniors and people with disabilities. The Section 5310/Section 5316/Section 5317 subrecipient agreement sets forth requirements for use of project equipment. The agreement requires subrecipients to inform DRPT if any project

equipment is not used in the manner described in the project description or is withdrawn from transportation service.

## **6. Maintenance**

The Section 5310/Section 5316/Section 5317 subrecipient agreement requires the subrecipient to maintain the project equipment at a high level of cleanliness, safety, and mechanical soundness. Maintenance practices must be in accordance with the detailed maintenance and inspection schedules provided by the manufacturer.

With their applications, Section 5310/Section 5316/Section 5317 subrecipients must submit an assurance that they will perform all maintenance on all vehicles and equipment. The maintenance program must be described in detail. (Maintenance related policies are attached).

DRPT provides opportunities for sub-recipients to attend training classes on maintenance procedures and practices, including lift maintenance, air-conditioning maintenance, preventative maintenance, and diesel mechanics.

Examples of preventive maintenance related policies:

### **Procedures When Adherence to Preventive Maintenance Plan is Deficient**

If adherence to preventive maintenance plans is found to be deficient, based on DRPT Triennial Review, then the DRPT Triennial Review Report will include a deficiency finding, describe required corrective actions, and provide a timeline or due date for completion of corrective actions.

It is the responsibility of DRPT program managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner. When deficiencies are resolved, program managers will update and provide to affected project staff a summary report noting deficiency resolution.

If significant preventive maintenance deficiencies are documented by DRPT staff through other DRPT maintenance record review processes (such as site visits), then DRPT will provide a written preventive maintenance deficiency notice. The notice will describe the basis for the deficiency finding. The notice will also describe the corrective actions required and provide a timeline or due date for completion of corrective actions. It is the responsibility of DRPT program managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner and to appropriately document resolution.

Preventive maintenance corrective actions required may include, but are not limited to:

- Developing or revising preventive maintenance policies, procedures and plans to promote improved on-time performance of preventive maintenance activities.
- Developing or revising preventive maintenance schedules or forms, and record keeping systems or technology, in order to promote improved on-time performance of preventive maintenance activities.
- Submitting preventive maintenance records and/or summary reports documenting preventive maintenance activities and adherence to preventive maintenance service interval standards and/or corrective action requirements.

### **Verification Plan to Document Compliance with Preventive Maintenance Corrective Action Requirements**

DRPT program managers will ensure implementation of preventive maintenance corrective actions through activities including the following:

- As appropriate, offer technical assistance, recommendations, and model policies to assist project staff in implementing required corrective actions.
- As appropriate, follow up with project staff to ensure that deficiencies are being addressed and corrective actions are being implemented as evidenced by appropriate changes to policies, procedures, forms, and technology.
- As appropriate, require project staff to submit documentation demonstrating ongoing monitoring of corrective actions and/or improved on-time performance of preventive maintenance activities.

### **7. Accounting Systems**

DRPT must expend and account for Federal funds in accordance with state laws and procedures for expending and accounting for state funds.

DRPT Fiscal Section request's the drawdowns of Federal funds. The drawdowns are made on a reimbursement basis.

Vendors submit invoices directly to DRPT's Fiscal Section and they are then reviewed and approved by the Fiscal and Public Transportation staff.

### **8. Audit**

The state of Virginia has annual audits conducted in accordance with OMB Circular A-133. DRPT subrecipients must have annual independent audits conducted.

### **9. Closeout**

DRPT initiates closeout of FTA Section 5310/Section 5316/Section 5317 grants when all line items in the program of projects have been spent, vendors have been reimbursed, and DRPT has completed drawdowns from FTA.

### **10. Grants Management and Financial Review**

FTA grant files and information will be maintained through FTA TEAM and DRPT's OLGA and Document Management System. FTA Section 5310, 5316 and 5317 files include the following:

- FTA Federal Grant File.
  - TEAM Application
  - Any amendments
  - FTA correspondence
- File for each Bid



- Bid documents
- Any correspondence
- Vendor File
  - Purchase Order
  - Factory Inspection checklist
  - Invoices
  - Any correspondence
- Individual Grantee Files
  - OLGA Application
  - Grant Agreement
  - Invoices
  - Any correspondence
- Vehicle Titles(maintained in DRPT safe)

DRPT developed a Specialized Transportation Program Compliance Review Workbook (Appendix B) and is, as of July 2014, implementing a plan to conduct triennial reviews of Section 5310 subrecipients. The reviews will address compliance, technical capacity, and management proficiency issues. The reviews will be conducted on-site, following a desk review. The Master Monitoring File will include the monitoring schedule, the monitoring checklist, and associated documents. Individual Grantee Monitoring Files will include: monitoring notification letters, completed monitoring checklists, and any related correspondence.

## **O. Other Provisions**

### **1. Charter Rule:**

The Department of Rail and Public Transportation will monitor each subrecipient to ensure compliance with the charter service regulations. All sub recipients who are considering charter service are responsible for complying with the notification process specified in the charter rules. When complaints from private charter operators alleging unfair competition arise, DRPT will investigate and take appropriate action to ensure that the subrecipient is in full compliance with the charter rules.

### **2. Certifications and Assurances:**

To ensure compliance with other federal requirements, subrecipients of Section 5310, Section 5316, and Section 5317 funds are required to sign Federal Certifications and Assurances for Federal Transit Administration Assistance Programs.

A grant applicant applying for assistance under any FTA grant program must annually submit certifications and assurances that are applicable to the grant applicant's grant request during the fiscal year.

Twenty-three (23) Categories of certifications and assurances are listed. Category I applies to all Applicants. Category II applies to all applications exceeding \$100,000. Categories III through XXIII will apply to and be required for some, but not all, Applicants and projects. FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which FTA provides Federal financial assistance through a grant agreement or Cooperative Agreement. The type of project and the Section of the statute authorizing Federal financial assistance for the project will determine which provisions apply.

#### Category I

- A. Assurance of Authority of the Applicant and Its Representative
- B. Standard Assurances
- C. Intergovernmental Review Assurance
- D. Nondiscrimination Assurance
- E. Assurance of Nondiscrimination on the Basis of Disability
- F. U.S. Office of Management and Budget (OMB) Assurances

#### Category II. Lobbying Certification Required for Each Application Exceeding \$100,000

#### Category III. Procurement Compliance

#### Category IV. Private Providers of Public Transportation

#### Category V. Public Hearing

#### Category VI. Acquisition of Rolling Stock

#### Category VII. Acquisition of Capital Assets by Lease

#### Category VIII. Bus Testing

#### Category IX. Charter Service Agreement

#### Category X. School Transportation Agreement

#### Category XI. Demand Responsive Service

#### Category XII. Alcohol Misuse and Prohibited Drug Use

#### Category XIII. Interest and Other Financing Costs

#### Category XIV. Intelligent Transportation Systems

#### Category XV. Urbanized Area Formula Program

Category XVI. Clean Fuels Grant Program

Category XVII. Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program

Category XVIII. Nonurbanized Area Formula Program

Category XIX. Job Access and Reverse Commute Formula Grant Program

Category XX. Section 5317 Program

Category XXI. Alternative Transportation in Parks and Public Lands Program

Category XXII. Infrastructure Finance Projects

Category XXIII. Deposits of Federal Financial Assistance to State Infrastructure Banks

**Commonwealth of Virginia**  
**Virginia Department of Rail and Public Transportation**  
**Section 5311 State Management Plan**  
**For**  
**Public Transportation in Nonurbanized Areas**  
*Revised January 2015*

**Introduction**

The Federal Transit Act title of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act, (SAFETEA-LU), as amended, includes a formula grant program for non urbanized areas known as Section 5311. The Section 5311 program provides financial assistance for capital, operating, administrative, planning and technical assistance to rural areas for public transportation services.

FTA Section 5311 Program Guidance Circular (Circular 9040.1G) was issued by the Federal Transit Administration (FTA) on April 1, 2007. This circular incorporates the current statutory and programmatic requirements and changes as outlined in SAFETEA-LU.

(This Section 5311 State Management Plan includes added sections and guidance form Proposed Circular FTA C 9040.1G. This circular is re-issuance of guidance on the administration and preparation of grant applications for the Formula Grants for Rural Areas Program under 49 U.S.C 5311. This revisions incorporates provisions of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21; Pub.L. 112-141(2012)

The Governor has designated the Department of Rail and Public Transportation (DRPT) as the agency responsible for administering the Section 5311 program in Virginia.

**Purpose of the State Management Plan**

The Section 5311 State Management Plan is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering the Section 5311 program in a single reference. The State Management Plan is a document, which is useful to the state as well as to sub recipients and FTA. Its primary purposes are to serve as the basis for FTA's review of the state's program, and to provide public information on the state's administration of the Section 5311 program.

**a. Program Goals and Objectives**

The goal of the Commonwealth of Virginia's Section 5311 Rural Public Transportation Program is to promote effective, efficient and safe public transportation services, which enhance the mobility of Virginia's rural citizens.

Through the administration of the Section 5311 program, it is the objective of DRPT to:

1. Encourage the maintenance, development, and improvement of existing public transportation systems in the non urbanized areas of the state through a reliable program of Federal and state financial assistance.
2. Help to maximize the efficiency, effectiveness, and safety of existing non urbanized public transportation systems through capital, technical, and planning assistance.
3. Enhance the access of all citizens in non urbanized areas of Virginia and especially the transportation disadvantaged for trip purposes such as health care, shopping, education, recreation and employment, through the introduction of new public transportation services and the protection of existing services.
4. Conserve energy resources by reducing fuel consumption and traffic congestion and associated travel delays through the provision of fuel efficient alternatives to the private automobile.
5. Maintain an administrative and technical assistance capability at the state level to assist local governments in the planning, development and management of rural and intercity public transportation systems.
6. Ensure that there is a fair and equitable distribution of Section 5311 program funds.
7. Ensure a process whereby private transit operators are provided an opportunity to participate to the maximum extent feasible.
8. Support intercity bus transportation.
9. Provide for maximum feasible coordination of public transportation service assisted by the FTA with transportation services assisted by other Federal sources.

**b. Roles and Responsibilities**

In the 1992 Session of the Virginia General Assembly, the Code of Virginia was amended to add Section 33.1-391, which established the Department of Rail and Public Transportation. The Department was given the following responsibilities:

1. Determine present and future needs for, and economic feasibility of, providing, public transportation facilities and services and the retention, improvement, and addition of passenger and freight rail transportation in the Commonwealth;
2. Formulate and implement plans and programs for the establishment, improvement, development, and coordination of public transportation facilities and the retention and improvement of passenger and freight rail transportation services and corridors in the Commonwealth, and the coordination of transportation demand initiatives with the Department of Transportation.
3. Coordinate with the Department of Transportation in the conduct of research, policy analysis, and planning for the rail and public transportation modes as may be appropriate to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in the Commonwealth;
4. Develop uniform financial and operating data on and criteria for evaluating all public transportation activities in the Commonwealth, develop specific methodologies for the collection of such data by public transit operators, regularly and systematically verify such data by means of financial audits and periodic field reviews of operation data collection

- methodologies, and develop such other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations in the Commonwealth;
5. Provide training and other technical support services to transportation operators and ridesharing coordinators as may be appropriate to improve public transportation and passenger and freight rail services;
  6. Maintain liaison with state, local, district, and federal agencies, or other entities, both private and public, having responsibilities for passenger and freight rail and public transportation programs;
  7. Administer grants from the Federal Transit Administration (formerly the Urban Mass Transit Administration), the Federal Railroad Administration, and other agencies of the United States government for public transportation, passenger and freight rail transportation, and ridesharing purposes with approval of the Commonwealth Transportation Board and to comply with all conditions attendant thereto;
  8. Administer state grants for public transportation, rail transportation, ridesharing, and transportation demand management purposes with approval of the Board.
  9. To promote the use of public transportation and passenger and freight rail services to improve the mobility of Virginia's citizens and the transportation of goods;
  10. Represent the Commonwealth on local, regional, and national agencies, industry associations, committees, task forces, and other entities, both public and private, having responsibility for passenger and freight rail and public transportation;
  11. Represent the Commonwealth's interests in passenger and freight rail and public transportation and coordinate with the Department of Transportation in the planning, location, design, construction, implementation, monitoring, evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail or public transportation;
  12. Coordinate with the State Corporation Commission on all matters dealing with rail safety inspections and rail regulations, which fall within their purview;
  13. Prepare and review state legislation and Commonwealth recommendations on federal legislation and regulations as directed by the Secretary of Transportation; and
  14. Promote public transportation and passenger and freight rail safety.

According to the Code of Virginia, as quoted above, the Governor has designated DRPT to administer the Section 5311 program. DRPT will follow both the prescribed procedures published by the U.S. Department of Transportation (CFR Title 23, Subchapter I, Part 825) and the existing federal and state regulations pertaining to the administration of federal grants in Virginia.

DRPT has increased staff in both the Public Transportation Division and the Fiscal Division to provide better program management and oversight of the Section 5311 program. Public Transportation has three Transit Project Managers to provide technical assistance, ensure regulatory compliance, new service development, application review, procurement oversight, facility development and construction oversight, transit management development, driver training, and analyze present and future needs for rural transit providers. Transit Project Managers will be available to grantees on a daily basis to provide on-going support and to ensure that they meet FTA and DRPT requirements.

The Fiscal Division will be responsible for maintaining the Online Grant Administration (OLGA) and Symphony systems, financial programming, contract development, asset management and inventory system, and financial auditing of FTA Section 5311 sub recipients.

DRPT shall make Section 5311 funds available to provide capital, operating, administrative, planning and technical assistance to public transportation projects in non urbanized areas.

DRPT has developed a Public Transportation and Transportation Demand Management Grant Program Application Guidance Manual (Issued January 2014) to provide grant application guidance to transit providers and local governments. Application requirements are also described in the current Fiscal Year edition of the FTA Section 5311 Program Application, which is part of DRPT's OLGA system, and can be accessed at <https://olga.drpt.virginia.gov>. The program application information is reviewed and updated on an annual basis. All FTA Section 5311 sub recipients must apply for these funds on an annual basis through the OLGA application system.

**c. Eligible Recipients**

Any city, county, town, transportation district commission, public service corporation, or private nonprofit corporation that operates a public transportation system in a non urbanized area of Virginia may apply for a grant under the Section 5311 program. Private for-profit providers, including intercity bus operators, may be supported with Section 5311 funds through purchase of service agreements with eligible applicants.

Applicants for Section 5311 funds are expected to reasonably meet technical capacity requirements for grant administration and program management. These requirements are included as Appendix A in the Grant Program Application Guidance Manual.

**d. Eligible Services and Services Areas**

The Commonwealth of Virginia adheres to the FTA Section 5311 program regulations and does not impose any additional limitations to the program.

**e. Eligible Assistance Categories**

All project expenses fall into one of three categories: operating expenses, administrative expenses and capital expenses.

1. **Operating Expenses** Eligible operating expenses include items such as fuel, oil, replacement tires, replacement parts, maintenance and repairs, driver's and mechanic's salaries and fringe benefits, dispatcher's salaries and fringe benefits, and licenses.

Net operating expenses are those expenses that remain after operating revenues are subtracted from eligible operating expenses. At a minimum, operating revenues must include fare box revenues. Operating revenues are all revenues accrued to the benefit of the project and may

include fare box revenue (passenger fares). Fare box revenues include fares paid by passengers who are later reimbursed by a human service agency, or other user-side subsidy arrangements, but do not include payments made directly to the transit provider by human service agencies. The Federal share of operating expenses may not exceed 50 percent.

2. **Administrative Expenses** Eligible administrative expenses include items such as transit director's salary, secretary and bookkeeper salaries, marketing expenses, office supplies, vehicle insurance and facility rental. The Federal share of administrative expenses may not exceed 50 percent. Administrative expenses are included in each sub recipient's operating budget. DRPT does not create a separate administrative budget.
3. **Capital Expenses** Eligible capital expenses include items such as buses, vans, paratransit vans, associated capital maintenance items, radio equipment, passenger shelters, wheelchair lifts and restraints, service vehicles, vehicle rehabilitation, computer hardware/software and construction or rehabilitation of transit facilities. The Federal share of capital expenses may not exceed 80 percent.
4. **Planning Expenses** Eligible planning expenses include feasibility, technical, marketing and planning studies as needed for the support or expansion of rural public transit within the Commonwealth. The federal share of planning expenses is up to 80 percent.

**f. Local Share and Local Funding Requirements**

Section 5311 funds may be requested to finance up to 50% of the net operating expenses (deficit) incurred by public transportation providers in non urbanized areas. In addition, funds may be requested to finance up to 80% of capital project costs. Half of the required local match for operating and administrative expenses may be comprised of unrestricted federal funds from other sources. In other words, unrestricted federal monies available from other sources to the Section 5311 program may be used to finance 25% of the net operating expenses (deficit). Similarly, if state funds are not received, half of the non-federal share of capital expenses (10%) may be comprised of unrestricted federal funds. If state funds are received, the entire local share of a capital project must be comprised of local cash and an amount equal to the level of state administrative assistance must be comprised of local cash.

Human service agency contract income may be used as local match provided the applicant demonstrates that all direct operating expenses for its human service contract service are recovered without the use of Section 5311 funds.

A Section 5311 applicant may use excess contract revenue from its human service contract service to match Section 5311 funds. Excess contract revenue is any revenue received from contract service, which exceeds the amount required to recover all direct operating expenses of human service contract service.

**g. Project Selection Criteria and Method of Distributing Funds**



The procedures for distributing FTA Section 5311 funds shall be as follows:

1. **First Priority** The first funding priority is to continue operating assistance to current Section 5311 recipients where there exists a continuing demand for public transportation service, a need for government subsidy, and a commitment of local financial and administrative support.
2. **Second Priority.** The second priority for funding is to support capital projects for existing systems. If capital funding is made available, eligible requests will be prioritized on the following basis:
  - a. Replacement of worn-out or unsafe revenue vehicles;
  - b. Purchase of additional vehicles to meet demonstrated capacity problems on current routes;
  - c. Purchase of vehicles for the expansion of existing services; and
  - d. Purchase of miscellaneous capital equipment.
3. **Third Priority.** The third priority is the funding of operating and capital expenses for new rural transportation systems.

The Department of Rail and Public Transportation retains sole discretion in determining the level of funding for all Section 5311 projects.

Appeals Process - An applicant whose application was not approved by the Commonwealth Transportation Board may file a protest and request a review of their application within 60 days following action by the Commonwealth Transportation Board (normally in late June). An applicant that files a protest must send a letter to the Director of DRPT explaining the reason for the protest. The protest letter and supporting documentation should be sent to the following address:

**Director**

Virginia Department of Rail and Public Transportation  
600 E. Main Street, Suite 2102  
Richmond, Virginia 23219

The Director will officially respond to the FTA Section 5311 protest within 30 days.

**h. Intercity Bus Transportation**

The Commonwealth of Virginia has provided the Federal Transit Administration with a certification from the Governor as required pursuant to Section 5311 of the Federal Transit Act, as amended, that the intercity bus industry in the Commonwealth of Virginia does not require federal financial support as provided under the FTA Section 5311 provisions. The certification has been forwarded to the Federal Transit Administrator for Fiscal Years starting in 1992 through 2014. DRPT conducted the 2013 Virginia Statewide Intercity Bus Study. The study identified a number of issues resulting from the loss of privately-provided unsubsidized rural intercity bus services. DRPT is

reviewing recommendations to offer an Intercity Bus Program for the upcoming OLGA grant application

**i. State Rural Transit Assistance Program**

1. **Program Management** As with the FTA Section 5311 program, the Commonwealth's Rural Transit Assistance Program (RTAP) is the responsibility of the Department of Rail and Public Transportation. The RTAP program provides funding assistance for training, technical assistance, transit research and related support services. These funds are available to assist Section 5311 and Section 5310 sub recipients who are involved in the provision and coordination of rural transportation services.
2. **Goals and Objectives** It is a goal of the RTAP program to promote improvement of public transportation services and mobility for citizens living in rural areas.
3. **Local Match Requirements** All RTAP activities will be funded at a 100% funding.
4. **Methods of Involving Operators in Program Development and Implementation.** The Commonwealth's RTAP program utilizes the following means of involving rural operators in the development and implementation of the annual RTAP Program of Projects:
  - a. *Input by Forum* During an annual statewide DRPT/CTAV EXPO and training conference, a round table session is conducted among potential recipients of the RTAP services for suggestions on use of the funds;
  - b. *On-site Visits* At least once a year, the Department of Rail and Public Transportation's staff visits rural transit system to evaluate and monitor their performance.
  - c. *DRPT Staff* The Rural Transit Program Administrators and the Chief of Public Transportation will determine individual and statewide technical needs, which can be addressed through the RTAP program.
5. **Project Selection Criteria** The Department of Rail and Public Transportation's Chief of Public Transportation determines with input from section staff members what projects will be funded with RTAP funds.
  - a. *Eligible recipients:*
    - I. Section 5311 recipients
    - II. Public Transit/Human Service Coordinated Systems
    - III. Community Transportation Associations
    - IV. Section 5310 recipients
  - b. *Application types:*
    - I.Statewide application
    - II.System specific
  - c. *Eligible Projects:*

- I. Training: DRPT sponsored
- II. Training: Non-DRPT
- III. Technical Assistance:
  - On-site
  - Transit Studies
- IV. Support Services
- V. Coordination with other states through the Mid-Atlantic RTAP Group
- VI. Training Equipment
- VII. Marketing materials

**j. Annual Program of Projects Development and Approval Process**

The solicitation of applications is accomplished through a statewide public notice on the Department of Rail and Public Transportation's web page and in newspapers throughout the Commonwealth. Applications for Section 5311 funding are due to the Department of Rail and Public Transportation on February 1st of each year.

Applications are submitted to the Department of Rail and Public Transportation through the On-Line Grant Administration (OLGA) system. All applications must be submitted through the OLGA system. Annual Performance Data and an Asset Inventory showing all FTA funded equipment must also be submitted through the OLGA system on at least an annual basis.

Applicants for Section 5311 funding also must provide the Department of Rail and Public Transportation with the following annual submissions as part of their annual application for funding:

- Appendix A – Federal FY200\_ Certifications and Assurances for FTA Assistance;
- Section 13(c) Labor Protection Warranty;
- Title VI Information Update;
- Current Insurance Declaration Page showing that all FTA funded capital is protected;

The review process begins upon the Department of Rail and Public Transportation's receipt of the Section 5311 applications on February 1st. Under emergency situations the Department of Rail and Public Transportation will accept applications past the February 1st application deadline. However, funding of late applications is dependent upon the availability of Section 5311 funding for the particular program year.

Each Section 5311 application is evaluated to ensure that the applicant complies with the requirements of the Section 5311 Program Information in OLGA. Those applications that meet the basic eligibility requirements are then reviewed by the Rural Transit Program Administrator who makes a determination on which projects will be included in the Draft FTA Section 5311 Program of Projects. The selection of projects is based on a determination of need, a prioritization of needs,

the evaluation criteria listed in the Program Application Guidance, and a fair and equitable distribution of funds. The number of projects selected and/or the amounts recommended is determined based on the availability of funds. This initial review is completed by the Rural Transit Program Administrator by the middle of February.

The draft recommendations are then presented to the Chief of Public Transportation for review. A Draft FTA 5311 Program of Projects is presented to the Director by March 15. Upon approval by the Director, the Director presents the Final Draft FTA Section 5311 Program of Projects to the Secretary of Transportation by mid May. Upon the review and approval of the Final Draft by the Secretary of Transportation, the FTA Section 5311 Program of Projects is then presented to the Commonwealth Transportation Board in May for their review and released to the public for public comment. The Commonwealth Transportation Board approves the Final FTA Section 5311 Program of Projects in late June.

The Commonwealth's FTA Section 5311 Annual Program of Projects is included as part of the Virginia Department of Transportation's Statewide Transportation Improvement Program (STIP). Prior to FTA application submission and as part of the STIP development, the Commonwealth Transportation Board conducts both preliminary and final STIP public hearings.

The Annual Program of Projects is included in the Commonwealth's FTA Section 5311 Application, which is submitted to FTA by September 20th of each year in TEAM. Following approval by FTA and execution of the FTA Section 5311 Agreement in TEAM, contracts are prepared and executed with each sub recipient, normally by October 31st.

**Revisions to the Approved Program of Projects** are normally requested by sub recipients in consultation with the Rural Transit Program Administrators in accordance with the provisions outlined in FTA Circular 9040.1G. Budget revisions are reviewed and approved by the Rural Transit Program Administrators and the Chief of Public Transportation. Written contract amendments developed for increases in funding above those approved in the annual program of projects are signed and executed by the Director and sub recipient designee.

**Project Grant Closeout Procedures** are normally started for operating assistance grant projects when all operating assistance invoice and authorization forms have been submitted by subrecipients. The FTA Section 5311 Program Manager monitors all subrecipients operating assistance projects and once a final invoice has been submitted the FTA Section 5311 Rural Transit Program Administrators will review the total operating assistance expenses to ensure that they are correct and reasonable, and then approve the invoice and forward onto the DRPT Fiscal Division. If a subrecipient does not use all of their FTA Section 5311 funds that have been awarded to them, these remaining funds may be transferred to another sub recipient who has indicated that additional funds could be used to offset expenses above their original budgeted estimates. A sub recipient must submit a written request for additional FTA Section 5311 operating assistance funds providing justification for the additional operating assistance funds. The Rural Transit Program Administrators will review the final operating assistance program of projects to determine if funds are available for transfer to other sub recipients, if funds are available then a revised Operating

Assistance Program of Projects will be developed and approved by the Chief of Public Transportation. The Fiscal Division will develop project amendments which are executed by the Director to increase the amount of operating assistance. After all adjustments and revisions have been made through the Project Amendment process, then a new FTA Section 5311 Program of Projects is developed and submitted to FTA in accordance with FTA Circular C9040.1G Section IV – Revisions to Program of Projects and is also submitted to FTA as part of the annual reporting process in TEAM. This same process is used for Capital Assistance Projects as well. Once all funds have been expended and have been drawn down in TEAM, the FTA Section 5311 Rural Transit Program Specialist will complete a final Milestone Report in TEAM and will notify the DRPT Financial Programming Team so that they may complete a final Federal Financial Report and begin close out of the Grant Project in TEAM.

**k. Coordination**

Coordination is an important element to the success of the FTA Section 5311 program within the Commonwealth of Virginia. DRPT staff participates in local and statewide transportation activities, which deal with coordinating public transportation and human service transportation. DRPT staff provides on-site technical assistance and RTAP financial resources to encourage coordination between transportation services. Currently there are 22 FTA Section 5311 transit operators in the state and all have participated in the development of local Coordinated Human Service Mobility Plans. Also, six (6) FTA Section 5311 sub recipients currently operate coordinated public transportation and human service transportation systems.

**l. Private Sector Participation**

DRPT has made the FTA Section 5311 program open to all public transportation providers, private and governmental agencies. In addition, all applicants who desire FTA Section 5311 funded capital equipment are required to hold a public hearing as part of their FTA Section 5311 application. A copy of the public notice as well as a copy of the public hearing minutes is made part of the application.

**m. State Administration and Technical Assistance**

FTA Circular 9040.1G permits DRPT to retain up to 15% of the states' annual apportionment of FTA Section 5311 funding for state administrative and technical assistance.

**n. State Program Management**

**General Procedures** The Department of Rail and Public Transportation has the responsibility for the Commonwealth's FTA Section 5311 Program. The Public Transportation Section of the Department has been assigned this responsibility. Within the Section, the Rural Transit Program Administrators are assigned the responsibility for the day-to-day administration of the Section 5311 program.

**The Commonwealth's Section 5311 Program is managed in accordance with FTA Circular 9040.1G – Nonurbanized Area Formula Program Guidance and Grant Application.**

The following paragraphs describe how the Department of Rail and Public Transportation administers the major program management responsibilities:

1. **Procurement.** All procurement made within the Section 5311 program will be in accordance with the Common Rule (state procurement procedures) or FTA Circular 4220.1F, "Third Party Contracting Guidelines" in regards to private non-profit agencies. Additionally, every purchase order or contract will include all clauses required by federal statutes and executive orders and their implementing regulations as identified in grant contract documents and FTA Circular 4220.1F. All procurement is also made in accordance with FTA Circular 5010.1D Grant Management Requirements where appropriate.
  - a. *Purchase of Vehicles.* The Department of Rail and Public Transportation will review all vehicle specifications, monitor the bid process to ensure that state procurement procedures are followed and finally, approve all bid awards. The Procurement Section of DRPT handles the administrative vehicle bid process for DRPT and all state agencies in accordance with state laws and regulations. A FTA Section 5311 sub recipient may choose to purchase off the state vehicle contract or may go out to bid for vehicles under the FTA Circular 4220.1F if a sub recipient is a private non-profit agency. A Cost and Price Analysis is required for every purchase.

**Vehicle Useful Life**

DRPT has established the useful life of all Section 5310 vehicles at a minimum of 4 years and at least 100,000 miles. Useful life of all other FTA supported vehicles is in accordance with the effective edition of FTA circular 5010.1D. Grant Management Requirements. For example, the FTA Circular, revised on August 27, 2012, summarizes useful life as follows:

Buses:

Large, heavy-duty transit buses, including over the road buses (approximately 35'–40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.

Small size, heavy-duty transit buses (approximately 30'): at least 10 years or an accumulation of at least 350,000 miles.

Medium-size, medium-duty transit buses (approximately 25'–35'): at least seven years or an accumulation of at least 200,000 miles.

Medium-size, light-duty transit buses (approximately 25'–35'): at least five years or an accumulation of at least 150,000 miles.

Light Duty Vehicles:

1Other light-duty vehicles used as equipment and in transport of passengers (revenue service) such as regular and specialized vans, sedans, and light-duty buses including all bus models exempt from testing in the current 49 CFR part 665: at least four years or an accumulation of at least 100,000 miles.

**First Lien Holder and Replacement Process**

DRPT is the first lien holder on all FTA funded vehicles. Sub recipients can apply for replacement vehicles through the applicable grant program, in accordance with grant application guidance and capital need, as documented in Progres. For example, Section 5310 applicants can request replacement for those human service vehicles that have exceeded their useful lives, or will exceed their useful lives within 12 months of the next Section 5310 grant application deadline. All DRPT asset inventory records must be updated as part of the application process in order to document mileage and replacement needs, etc. Certification that all asset inventory records are up to date will be required as part of the grant application process and is subject to on-site and audit review. Required updates include entry of sales date, and price for vehicles sold since submission of most recent previous grant application.

**Title Release**

Based on data contained within DRPT's Asset Management Database, DRPT will generate title/lien release documents and return titles for those FTA funded vehicles for which, 1) DRPT holds title, and 2) reported mileage exceeds specified useful life, and 3) vehicle age exceeds specified useful life. Vehicle age will be calculated from the reported date of acquisition/delivery. Sub recipient agencies with vehicles in the asset management database for which DRPT does not have titles, but which meet the age or mileage requirements, will receive lien release letters.

Procedure

In July of each year, sub recipients should update their asset inventories in OLGA. In August of each year, DRPT will query the Asset Management Database and identify

vehicles meeting vehicle age and/or mileage requirements. Identified vehicle titles (if in DRPT possession) will be released and returned to sub recipients with letters explaining that DRPT releases its liens. For vehicles meeting useful life criteria, for which DRPT does not have titles, sub recipients will only receive lien release letters. For each vehicle, DRPT will enter a title release date. Each vehicle will remain in the current inventory, until the sub recipient updates the record to reflect vehicle disposition, sales price, and sale date.

### **Disposition and Retention of Sale Proceeds**

If the vehicle is sold, the subrecipient must update the DRPT asset inventory database record by recording the disposition, final mileage, sales price, and date. Additionally, the subrecipient must retain and account for proceeds from the sale. An amount equal to 80% of the net sales price must be available to reduce the purchase price of a replacement FTA funded vehicle, when such vehicle is ordered.

#### Asset Management System Update Procedure, After Vehicle Sale

From the OLGA main menu, click Inventory Management, then select Vehicle Inventory. Under Current Inventory select the vehicle and click Edit, then record the final mileage and click Update. Next, click Go Back to Inventory. From there, click Dispose. That will bring up a screen where the sale date and the proceeds from the sale can be recorded.

If a sub recipient no longer needs the vehicle for the purpose for which it was acquired, and requests a title for a vehicle that is not past its useful life, DRPT will seek to have the vehicle transferred to another eligible sub recipient. The original sub recipient will be reimbursed for 20 percent of the fair market value of the vehicle by the new sub recipient. If DRPT cannot find an eligible sub recipient for the vehicle and DRPT approves the sale of the vehicle by the original sub recipient, 80 percent of the proceeds of the vehicle sale must be returned to DRPT.

DRPT reserves the right to make exceptions to these criteria if circumstances warrant.

- b. *Purchase of equipment* The Department of Rail and Public Transportation will ensure that all equipment purchased with Section 5311 funds will be in conformance with federal and state procurement procedures.
- c. *Construction of new or renovation of transit facilities* The Department of Rail and Public Transportation will oversee each step of any renovation or construction of transit facilities in accordance with federal and state procurement guidelines and FTA regulations regarding construction projects.
- d. *Disadvantaged Business Enterprise* The Department of Rail and Public Transportation will assist and encourage all Section 5311 subrecipients to utilize Disadvantaged Business Enterprises (DBE) throughout their procurement process. All 5311 subrecipients will



report their contracting opportunities and utilization of certified DBE vendors to DRPT semi-annually. Rural Transit Program Administrators will review all sub-recipient contract procurements for DBE “good faith efforts”. Sub-recipients receiving FTA Section 5311 funds for construction projects will be required to set a separate DBE goal for the project. Rural Transit Program Administrators will be responsible for monitoring the sub-recipients progress toward meeting the goal.

- e. *Satisfactory Continuing Control* All Section 5311 sub-recipients are required to maintain adequate insurance coverage in an amount and form satisfactory to DRPT and in accordance with the laws of the Commonwealth of Virginia and submit a copy of their insurance policy declarations to DRPT annually.
- f. *Debarment and Suspension* Grantees awarded grants exceeding \$25,000, must obtain a certification from contractors awarded contracts in excess of the federal small purchase threshold stating that they are not suspended or debarred from receiving federally assisted contracts. Grantees must provide immediate written notice to DRPT for reporting to FTA if they learn that their certification or the certification of any contractors is no longer valid. The Government Services Administration publishes the *List of Parties Excluded from Federal Procurement and Non Procurement Programs*. Grantees can search the list on the Internet at <http://www.sam.gov>.

2. **Financial Management** The Commonwealth receives FTA Section 5311 reimbursement from FTA through the ECHO invoicing program for actual cash outlays paid to sub recipients. The Department of Rail and Public Transportation is responsible for maintaining detailed financial records on individual projects within the program of projects of each FTA Section 5311 grant. Supporting documentation such as budget revisions, contract amendment justifications and related contract correspondence are also maintained by the Department of Rail and Public Transportation. FTA Section 5311 recipients are instructed in the proper maintenance and retention of contract and program documentation.

All records pertinent to each FTA grant and the subrecipients' program of projects are retained and are available to authorized representatives of the U.S. DOT and Comptroller General of the United States for three years following the date of forwarding of the final financial status report (SF-269)(through the TEAM system) and request for project closeout. The financial records present adequate documentation of the computation of the federal share and the provision of the required local share.

DRPT shall submit to FTA an annual program status report (through the TEAM system) for the program of projects for each active grant. These reports cover the 12-month period ending September 30th and will be sent (through TEAM) to the FTA Region III office within 30 days after the end of the reporting period. Reports will consist of:

- a. An updated Program of Projects and revised budget for each active project reflecting revised project descriptions, changes in projects from one category to another and adjustments within budget categories;

- b. Revised FTA grant project budget;
  - c. An updated Federal Financial Report; and
  - d. An updated Milestone Report.
3. **Property Management** All sub recipients receiving FTA Section 5311 operating assistance will receive an on-site inspection of equipment and facilities and a review of their Asset Management Plan and Vehicle Replacement Plan as part of their Triennial Compliance Review to be conducted by the Rural Transit Program Administrators.
4. **Vehicle Use** The Department of Rail and Public Transportation will ensure through on-site inspections, annual certification and compliance reviews that all equipment purchased through the FTA Section 5311 program are being used to support rural public transportation services.
5. **Vehicle Maintenance and Disposition.** The Rail and Public Transportation will review maintenance records and maintenance procedures and practices during on-site compliance reviews.

Prior to the disposition of any FTA Section 5311 funded equipment the useful life criteria as established in paragraph 1.a. above must be met. A recipient desiring to dispose of any vehicles purchased through the Section 5311 program will be required to notify the Department of Rail and Public Transportation requesting disposition of the vehicle. The Rural Transit Program Administrators will review this request and grant approval or disapproval for disposition in accordance with each sub recipients Vehicle Replacement Plan. When possible, vehicles will be offered to other FTA Section 5311 recipients needing vehicles prior to disposal. If no other FTA Section 5311 recipients desire to use the vehicles then the vehicles will be disposed of and any proceeds must be used to support rural public transit services.

6. **Construction or Renovation of Facilities** The Department of Rail and Public Transportation will oversee each step of any renovation or construction of transit facilities in accordance with state procurement guidelines and FTA regulations regarding construction projects. The FTA Section 5311 Rural Transit Program Administrator will play an active role in overseeing and providing technical assistance for all construction projects supported with FTA Section 5311 capital funds.
7. **State Reporting Requirements** The Department of Rail and Public Transportation requires all FTA Section 5311 recipients to annually submit to the Department of Rail and Public Transportation the following reports:
- a. Semi-annual Disadvantaged Business Enterprise Report indicating the recipients progress in meeting DBE Goals; revised DBE goals will be submitted every three years.
  - b. Annual Performance Evaluation Report;
  - c. Final Fiscal Year Operating Expenses/Revenues Data Summary; and
  - d. An Annual Financial Audit.
  - e. An Annual NTD report
  - f. An Annual FTA Drug & Alcohol Testing MIS Report

- g. An Annual Vehicle and Equipment Inventory Report in Asset Management
- h. Monthly passenger reporting
- i. Certification of Insurance for facilities and vehicles
- j. Title VI update.

#### **o. Maintenance**

The Section 5311 subrecipient agreement requires the subrecipient to maintain the project equipment at a high level of cleanliness, safety, and mechanical soundness. Maintenance practices must be in accordance with the detailed maintenance and inspection schedules provided by the manufacturer.

With their applications, Section 5310/Section 5316/Section 5317 subrecipients must submit an assurance that they will perform all maintenance on all vehicles and equipment. The maintenance program must be described in detail. (Maintenance related policies are attached).

DRPT provides opportunities for sub-recipients to attend training classes on maintenance procedures and practices, including lift maintenance, air-conditioning maintenance, preventative maintenance, and diesel mechanics.

Examples of preventive maintenance related policies:

#### **Procedures When Adherence to Preventive Maintenance Plan is Deficient**

If adherence to preventive maintenance plans is found to be deficient, based on DRPT Triennial Review, then the DRPT Triennial Review Report will include a deficiency finding, describe required corrective actions, and provide a timeline or due date for completion of corrective actions.

It is the responsibility of DRPT program managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner. When deficiencies are resolved, program managers will update and provide to affected project staff a summary report noting deficiency resolution.

If significant preventive maintenance deficiencies are documented by DRPT staff through other DRPT maintenance record review processes (such as site visits), then DRPT will provide a written preventive maintenance deficiency notice. The notice will describe the basis for the deficiency finding. The notice will also describe the corrective actions required and provide a timeline or due date for completion of corrective actions. It is the responsibility of DRPT program managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner and to appropriately document resolution.

Preventive maintenance corrective actions required may include, but are not limited to:

- Developing or revising preventive maintenance policies, procedures and plans to promote improved on-time performance of preventive maintenance activities.
- Developing or revising preventive maintenance schedules or forms, and record keeping systems or technology, in order to promote improved on-time performance of preventive maintenance activities.
- Submitting preventive maintenance records and/or summary reports documenting preventive maintenance activities and adherence to preventive maintenance service interval standards and/or corrective action requirements.

### **Verification Plan to Document Compliance with Preventive Maintenance Corrective Action Requirements**

DRPT program managers will ensure implementation of preventive maintenance corrective actions through activities including the following:

- As appropriate, offer technical assistance, recommendations, and model policies to assist project staff in implementing required corrective actions.
- As appropriate, follow up with project staff to ensure that deficiencies are being addressed and corrective actions are being implemented as evidenced by appropriate changes to policies, procedures, forms, and technology.
- As appropriate, require project staff to submit documentation demonstrating ongoing monitoring of corrective actions and/or improved on-time performance of preventive maintenance activities.

**p. Civil Rights**

The Department of Rail and Public Transportation will monitor each sub recipient to ensure compliance with FTA civil rights regulations. [Program Managers will review civil rights compliance during semi-annual site visits and the triennial review.](#) The Section 5311 application requires each sub recipient to report any current or pending civil rights complaints. When and if complaints arise alleging a civil rights violation, then in consultation with the Virginia Department of Transportation Equal Opportunity Division, the Department of Rail and Public Transportation will initiate appropriate actions to deal with the compliant.

**q. Section 504 and ADA Reporting**

The Department of Rail and Public Transportation will monitor each sub recipient to ensure compliance with Section 504 and ADA regulations. The Section 5311 application requires each subrecipient to report any current or pending ADA complaints. When and if complaints arise alleging a civil rights violation, then the Department of Rail and Public Transportation will initiate appropriate actions to deal with the compliant.

**r. Charter Rule**

The Department of Rail and Public Transportation will monitor each sub recipient to ensure compliance with the charter service regulations. All sub recipients who are considering charter service are responsible for complying with the notification process specified in the charter rules. When complaints alleging unfair competition from private charter operators arise, DRPT will investigate and take appropriate action to ensure that the sub recipient is in full compliance with the charter rules. Currently, no Section 5311 sub recipients in the Commonwealth of Virginia are providing or offering charter service to the public.

**s. Other Provisions**

Each sub recipient is required by February 1st of each year to submit to DRPT a signed “Federal FY201\_ Certifications and Assurances for FTA Assistance”. This certification must be signed by an Authorized Representative of the applicant. Each sub recipient completes this Certification as per the Notice issued in the Federal Register. The following Certifications are required of each sub recipient:

A Total Operating Expense Certification for the prior Fiscal Year;

A Title VI Civil Rights Information Update;

Insurance Policy verification for all FTA funded vehicles and equipment;

An Independent Financial Audit;

An updated FTA Vehicle and Equipment Inventory; and **a**

**A** Section 13c Labor Protection Warranty Assurance is required annually by all Section 5311 applicants. The Department of Rail and Public Transportation submits a Section 5311 Program of Projects to the U.S. Department of Labor for their review in as appropriate when applying for a FTA Section 5311 grant project in TEAM.

## **1. On-Site Visits**

It is the goal of the Department of Rail and Public Transportation staff to conduct a minimum of two on-site visits per year with each sub recipient. The Rural Transit Program Administrators will conduct an on-site periodic review of each sub recipients open and executed grants (semi-annually, at a minimum,) Rural Transit Program Administrators will also conduct a Triennial Compliance Review with each sub recipient. A checklist of areas to be reviewed (Virginia Rural Public Transit Compliance Review Workbook for Section 5311 Grantees) will be sent to the sub recipient at least 30 days prior to the visit. Most of the questions will address FTA and state requirements.

Objectives of the FTA Section 5311 site reviews are to ensure compliance of federal and state requirements, encourage progress, and identify training and technical needs.

The review process will include the following:

1. DRPT will review materials and reports on file in its office.
2. DRPT will review the information submitted by the grantee.
3. DRPT will visit on-site to visually inspect vehicle fleet to determine condition and replacement needs and follow up on sub grantee responses.
4. After the site visit. DRPT will send a letter listing findings, corrective action needed and recommendations. No corrective actions will be made for those items labeled good practices; however, suggestions may be made regarding these items. The corrective actions will have a specified time frame for implementation. All findings will be followed up with additional visits until they are resolved.

## **t. Fund Transfers**

The Department of Rail and Public Transportation has not transferred Section 5311 funds to any other Federal Transit Administration program in the past, however if this need arises it will be done in accordance with all FTA regulations.

## **u. NTD Reporting**

The Department of Rail and Public Transportation will begin the NTD data collection process in November of each year following receipt of directions from FTA. DRPT staff will notify all FTA subrecipients of NTD data reporting requirements in November of each

year and require that all NTD data be submitted by December 31st of each year. DRPT staff will review the data to ensure that all subrecipients have submitted the data and then enter the NTD data into the NTD system by the March 30 due date.

**v. Appalachian Development Public Transportation Assistance Program (ADTAP)**

The Department of Rail and Public Transportation has not programmed any ADTAP funds for any

eligible Section 5311 recipients because there is enough 5311 funding available for these recipients.

DRPT is reviewing the ADTAP eligible projects to be able to program the funds for needs in Virginia's Appalachian Region.

**x. Incidental Use of FTA Funded Property**

DRPT will submit to FTA for approval any incidental use of FTA funded property. Any incidental

Use must be compatible with the original grant purpose of the property

# Appendix K: FTA Checklists



## **General Requirements (Chapter III) All recipients must submit:**

Title VI Notice to the Public, including a list of locations where the notice is posted -- **See Page 4**

Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint) -- **See Pages 30-31**

Title VI Complaint Form – **See Appendix G**

List of transit-related Title VI investigations, complaints, and lawsuits -- **See Appendix F**

Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission -- **See Appendix B**

Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance – **See Appendix H**

A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees – **See Appendix I**

Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions – **See Appendix C**

A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. – **No facilities constructed in the past three year period**

A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA. – **See Appendix I**

Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity -- **See next page for Chapter V checklist**

## **Requirements of States (Chapter V) States must submit:**

All requirements set out in Chapter III (General Requirements) – **See Above**

The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation – **DRPT is not a Transit Provider**

Demographic profile of the State -- **See pages 18 and 19**

Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects -- **See Appendix E**

Analysis of the State's transportation system investments that identifies and addresses any disparate impacts – **See Appendix E**

A description of the Statewide planning process that identifies the transportation needs of minority populations – **See Page 22**

Description of the procedures the agency uses to ensure nondiscriminatory pass through of FTA financial assistance – **See Appendix J**

Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations -- **See Appendix J**